

FIFTY-NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 8, 2006

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

The Sergeant at Arms Color Guard consisting of Pages Evan Kruschke and Drake Chandler, presented the Colors. Pastor Paul Stoot of the Greater Trinity Missionary Baptist Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, Senate Rule 20(2) was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Esser moved adoption of the following resolution:

**SENATE RESOLUTION
8697**

By Senators Esser, Kohl-Welles, Hewitt, Schmidt, Eide, Zarelli, Pflug and Brown

WHEREAS, The Seattle Seahawks capped the finest season in team history with their first-ever Super Bowl appearance last month; and

WHEREAS, The Seattle Seahawks sent seven players to the Pro Bowl game one week later; and

WHEREAS, The Seattle Seahawks finished the regular season with a franchise-best 13-3 regular season record, which included an 11-game winning streak and a perfect 8-0 home record; and

WHEREAS, The Seattle Seahawks completed seven out of eight fourth-down conversions during the 2005 regular season; and

WHEREAS, The Seattle Seahawks sacked the opposing team's quarterback an NFL-high 50 times during the 2005 regular season; and

WHEREAS, The Seattle Seahawks defense finished the 2005 regular season with 894 tackles, 241 assists, 20 fumble recoveries, and 16 interceptions, and gave up the fewest points in the league; and

WHEREAS, Seattle Seahawks Quarterback Matt Hasselbeck was the starting NFC quarterback at the Pro Bowl and finished the 2005 regular season with a quarterback rating of 98.2, completing 24 touchdown passes; and

WHEREAS, Seattle Seahawks Running Back Shaun Alexander was named the NFL's Most Valuable Player for the 2005 season, won the league's rushing crown with 1,880 rushing yards, and set an all-time NFL record with 28 touchdowns; and

WHEREAS, The Seattle Seahawks won the NFC West Division for the second straight year; and

WHEREAS, The Seattle Seahawks earned the top seed in the NFC Playoffs and defeated the Washington Redskins 20-10 for their first playoff win since 1984; and

WHEREAS, The Seattle Seahawks defeated the Carolina Panthers 34-14 in the NFC Championship Game to earn their first George Halas Trophy and their first trip to the Super Bowl in franchise history; and

WHEREAS, The mission of the Seattle Seahawks Charitable Foundation (SSCF, founded in 1995) is to promote the healthy social, emotional, intellectual, and physical development of youth by enhancing opportunities for participation in sports and fitness activities; and

WHEREAS, The SSCF is committed to supporting the Seahawks Leadership Academy, a Seattle public middle school serving 6th, 7th, and 8th grade at-risk students; and

WHEREAS, The Seattle Seahawks Literacy program, "Ready, Set, Goals," is designed to enhance reading comprehension, writing, and goal-setting skills for 3rd through 6th grade students; and

WHEREAS, The Seattle Seahawks partner with local sponsors to raise money with programs, including Winning For Your Community, Touchdowns For Charity, First Downs For Kids, Run For Their Future, and Special Kicks;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Seattle Seahawks and congratulate the team and their players on their outstanding season, and thank them for giving so much back to the team's fans, known as the "12th Man," and to the community.

Senators Esser, Kohl-Welles, Deccio, Rasmussen, Eide and Finkbeiner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

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

REMARKS BY THE PRESIDENT

President Owen: "Before the President introduces these incredible individuals, he would like to note two things: One is, would, you please go back and remind the team that Bryce Fisher's father was the Sergeant at Arms of this August body? Richard Fisher, for a few years. He's an incredible football player. The other thing is, we're going to send a map of the United States to a guy named Jimmy Johnson so that he understands that Seattle is not in Alaska, as he said on television, but it's actually in the state of Washington which is in continental the United States so we're going to do that. If you ever see him, you might just point out to him where Seattle, Washington is."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jim Zorn, Quarterback Coach and Mr. Seneca Wallace, Quarterback, of the National Football League Seattle Seahawks who were seated at the rostrum.

REMARKS BY JIM ZORN

Jim Zorn: "Thank you very much. During the football season, Seneca Wallace probably has the most difficult job in our program because he's our backup quarterback. That means that he has to prepare himself exactly the way that Matt Hasselbeck has to prepare. He doesn't get the kind of repetitions, the practice time that Matt gets, so when he's called upon, he virtually is coming out there with no reps, no practice,

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but he has to win games for us, basically without any preparation at all on the field, any practical preparation. All year long, we had a plan to try to get Seneca on the football field other than the quarterback position because he's very fast. He's one of our best athletes on our football team and other coaches are trying to infiltrate and steal him away from my position. So, as we started into different kinds of ideas of how Seneca could be involved, we had reverses for him, and we practiced these reverses out on the practice field during the week. Mike Holgrem would never call them. He just thought he would be the laughing stock of the league had he put Seneca on the field; we run the reverse; and then Seneca get injured; then Matt gets injured; then we're really in trouble. So, Mike had much more wisdom than I did. He let us practice those things but he kept Seneca off the football field. Once we got to the play offs, I went up to Mike and said, 'Listen, 'now's the time, because he can rehab in the off season if he get's injured.' So, we designed this play and the play that he ran was quite interesting. It was a play called, 'was it X-slugg C seam or just X-sluggo.' It was a play designed for Matt to drop back, pump to Seneca, try to get the corner-and the corner happened to be Ken Lucas, the guy who left the Seahawks, anyway and if Ken Lucas bit on the fake, we were going to throw to Seneca over the top. If he didn't, then we would come to other side of the field where we had tight end over the football and we had another running back and another wide receiver, so we could actually throw a zone type of pattern on the other side. So, of course as Matt dropped back and he pumped. It wasn't really a bite if you know what I mean. I mean Seneca really wasn't open, but I can guarantee you these two guys got together before the game and said, 'If that plays called, I'm coming to you regardless,' so I knew they had something other than what we had desired in store. When Matt dropped back and he pumped, Ken Lucas kind of read what was coming, but Matt threw it up anyway and then to see the heroic catch, it really was a heroic catch. For a quarterback, really an athlete to go up and steal the ball from an outstanding corner, and to come down with it. That kind of put the charge in the Seahawks during that football game. It boosted us through and then to enjoy such a dominating win for the NFC championship and have Seneca out there - both my guys out - there playing and contributing, was a special thrill for me. The biggest thrill for me as a former player and now a quarterback coach, was going to the Super Bowl was OK. Going to the Super Bowl was a real thrill. But it was the NFC championship game. What a football game, cause you could not hear. I was wearing headphones and I couldn't hear. I had to push on my headphones to make sure that I could hear what the plays, what plays were being called. It was so loud. We're here just representing the Seahawks, thank you for this resolution and thanking you for committing your support to the Seahawks organization, but also the whole Northwest. Our football stadium is one that other teams do not like to play in. When it comes to, we have all different kinds of snap counts. You go on 'one,' you go on 'set,' you go on hard counts, trying to get defenses to jump off sides, but when people come here to play, they have what they call the silent count. The silent count is the count you use when you cannot hear your voice. If you were at the or heard about what we did against the New York Giants, they jumped off sides nine or ten times because they could not hear. That's a direct result from having the best fans in National Football League, the loudest stadium and the most beautiful stadium in the National Football League. There's no question about it. When we travel we don't hear anything like teams coming into Seattle here as far as the crowd noise. It's deafening. It's a tremendous feeling to be on the good side of the National Football League and we're right here in the state of Washington. So, thank you for the resolution, nice to meet you all. I will tell Robby Tobeck that you wore his jersey today, Senator Esser, and you could send him a picture and autograph it. I'm sure he'll get a kick out of that. Thank you, Senator Rasmussen and believe me I do not look like that any longer, but I appreciate the support. Get that back up your wall. Thanks to everybody and thanks for your support."

REMARKS BY THE PRESIDENT

President Owen: "Well Seneca, I just want to say that you have joined some great receivers now, Steve Largent and Efren Herrera and I think you probably threw the pass to Efren those are some great catches and we really appreciate you taking the time to come down here. I know you have busy schedules and lots of things to do. Also, want to thank you and the Seahawks for what they do for young people. That's incredibly important in this day and age. Keep up the good work. Thank you very, very much."

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION
8713

By Senators Kastama, Carrell, Franklin, Rasmussen, Regala and Roach

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "Daffodils Delight," fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give vent to citizens' enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, 2006 marks the Seventy-third annual Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival 2006 events are ongoing and will culminate in the April 22, 2006, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Jasmine Arabia, Chief Leschi High School; Amy Callaghan, Lincoln High School; Ali Ciarochi, Stadium High School; Corrina Czerwonka, Clover Park High School; Hollie Eads, Emerald Ridge High School; Shalae Eugley, Fife High School; Ann Hansen, Wilson High School; Amanda Kappelman, Lakes High School; Gina Maulupe, Spanaway Lake High School; Erin McFarland, Sumner High School; Ashley Miller, Bethel High School; Kaleigh Jo Murphy, Franklin Pierce High School; Hannah Parker, Henry Foss High School; Lauren Rine, Puyallup High School; Mollie Ruiz, Curtis High School; Sarra Schlegel, Eatonville High School; Heather Soto, Rogers High School; Arielle Valenzuela, Washington High School; Taylor Williams, Orting High School; and Ashley Woods, Mt. Tahoma High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past Seventy-three years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2006 Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Rasmussen, Regala, Franklin and Roach spoke in favor of adoption of the resolution.

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The President declared the question before the Senate to be the adoption of Senate Resolution No. 8713.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Daffodil Festival Board Auxiliary and the Daffodil Court who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced third graders from Kingsway Christen School of Vancouver who were present at the bar of the Senate.

With permission of the Senate, business was suspended for the purpose of allowing the Kingsway Christian School Choir to perform for the Senate some songs for the Senators.

MOTION

At 10:32 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:14 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5236,
 SECOND ENGROSSED SENATE BILL NO. 5714,
 SENATE BILL NO. 6059,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
 SUBSTITUTE SENATE BILL NO. 6141,
 SECOND SUBSTITUTE SENATE BILL NO. 6172,
 SUBSTITUTE SENATE BILL NO. 6188,
 SUBSTITUTE SENATE BILL NO. 6234,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
 SUBSTITUTE SENATE BILL NO. 6246,
 SUBSTITUTE SENATE BILL NO. 6247,
 SENATE BILL NO. 6248,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
 SENATE BILL NO. 6264,
 SENATE BILL NO. 6280,

SUBSTITUTE SENATE BILL NO. 6308,
 SECOND SUBSTITUTE SENATE BILL NO. 6319,
 SUBSTITUTE SENATE BILL NO. 6320,
 SUBSTITUTE SENATE BILL NO. 6369,
 SENATE BILL NO. 6373,
 SUBSTITUTE SENATE BILL NO. 6377,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
 SENATE BILL NO. 6412,
 SENATE BILL NO. 6418,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
 SENATE BILL NO. 6429,
 SENATE BILL NO. 6453,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459,
 SECOND SUBSTITUTE SENATE BILL NO. 6460,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
 SUBSTITUTE SENATE BILL NO. 6527,
 SUBSTITUTE SENATE BILL NO. 6555,
 SENATE BILL NO. 6568,
 SUBSTITUTE SENATE BILL NO. 6613,
 SUBSTITUTE SENATE BILL NO. 6617,
 SENATE BILL NO. 6637,
 ENGROSSED SENATE BILL NO. 6661,
 SUBSTITUTE SENATE BILL NO. 6717,
 SUBSTITUTE SENATE BILL NO. 6781,
 SECOND SUBSTITUTE SENATE BILL NO. 6823,
 SUBSTITUTE SENATE BILL NO. 6840,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed the following bill {s}:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6896

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The Speaker ruled the Senate amendment{s} to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 to be beyond scope & object of the bill. House refuses to concur in said amendment{s} and asks the Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position and pass Engrossed Second Substitute House Bill No. 2572 without the Senate amendment(s).

Senator Keiser spoke in favor of the motion.

Senators Esser, Pflug, Mulliken and Zarelli spoke against the motion.

MOTION

Senator Eide demanded that the previous question be put.

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The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

MOTION

On motion of Senator Schoesler, Senator Oke was excused.

MOTION

Senator Eide demanded a division.

The motion by Senator Eide that the previous question be put was sustained by a rising vote.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on Engrossed Second Substitute House Bill No. 2572.

MOTION

Senator Esser demanded a division.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate recede from its position to Engrossed Second Substitute House Bill No. 2572 and pass the bill without the Senate amendments.

The Secretary called the roll on the motion by Senator Keiser and the motion carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator Oke - 1

Senators Deccio, Sheldon, Finkbeiner, Pflug and Parlette spoke against passage of the bill.

Senators Kohl-Welles and Franklin spoke in favor of passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

The President declared the question to be the final passage of Engrossed Second Substitute House Bill No. 2572 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2572, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator Oke - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572, without Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position and on Engrossed Substitute House Bill No. 3079.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on Engrossed Substitute House Bill No. 3079.

The motion by Senator Keiser carried and the Senate receded from its position on Engrossed Substitute House Bill No. 3079.

MOTION

On motion of Senator Keiser, the rules were suspended and Engrossed Substitute House Bill No. 3079 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079, by House Committee on Appropriations (originally sponsored by Representatives Conway, Cody, Sells, Dickerson, Morrell, Simpson, Schual-Berke, Hasegawa, Chase and Santos)

Reporting on the employment status of recipients of medicaid and the basic health plan.

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The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.47 RCW to read as follows:

(1) The health care authority, in coordination with the department of social and health services, shall by November 15th of each year report to the legislature:

(a) The number of basic health plan enrollees who: (i) Upon enrollment or recertification had reported being employed, and beginning with the 2008 report, the month and year they reported being hired; or (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and beginning with the 2008 report, the month and year they reported the employed person was hired; and (iii) the total cost to the state for these enrollees. The information shall be reported by employer for employers having more than fifty employees as enrollees or with dependents as enrollees. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are enrollees or with dependents as enrollees by private and governmental employers; (ii) The number of employees who are enrollees or with dependents as enrollees by employer size for employers with 50 or fewer employees, 51 to 100 employees, 101 to 1000 employees, 1001 to 5,000 employees and more than 5,000 employees; and (iii) The number of employees who are enrollees or with dependents as enrollees by industry type.

For each aggregated classification, the report will include the number of hours worked and total cost to the state for these enrollees. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in coordination with the health care authority, shall by November 15th of each year report to the legislature:

(a) The number of medical assistance recipients who: (i) Upon enrollment or recertification had reported being employed, and beginning with the 2008 report, the month and year they reported being hired; or (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and beginning with the 2008 report, the month and year they reported the employed person was hired. For recipients identified under (a)(i) and (ii) of this subsection, the department shall report the basis for their medical assistance eligibility, including but not limited to family medical coverage, transitional medical assistance, children's medical or aged or disabled coverage; member months; and the total cost to the state for these recipients, expressed as general fund-state, health services account and general fund-federal dollars. The information shall be reported by employer for employers having more than fifty employees as recipients or with dependents as recipients. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are recipients or with dependents as recipients by private and governmental employers; (ii) The number of employees who are recipients or with dependents as recipients by employer size for employers with 50 or fewer employees, 51 to 100 employees, 101 to 1000 employees, 1001 to 5,000 employees and more than 5,000 employees; and (iii) The number of employees who are recipients or with dependents as recipients by industry type.

For each aggregated classification, the report will include the number of hours worked, the number of department of social and health services covered lives, and the total cost to the state for these recipients. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 3. If specific funding for the purpose of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Deccio to Engrossed Substitute House Bill No. 3079.

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

MOTION

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

On page 1, line 1 of the title, after "services;" strike all material through "section." on line 3 and insert "adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 3079 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3079 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3079 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Roach - 1

Absent: Senator Benton - 1

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

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The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Quall, Santos and Rodne
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position and on Engrossed Substitute House Bill No. 3127.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Engrossed Substitute House Bill No. 3127.

The motion by Senator McAuliffe carried and the Senate receded from its position on Engrossed Substitute House Bill No. 3127.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Engrossed Substitute House Bill No. 3127 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127, by House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell)

Regarding the center for the improvement of student learning.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community involvement in education and increased knowledge of and input regarding the delivery of public education. The legislature further finds that increased community involvement with, knowledge of, and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman to increase parent, guardian, and community involvement in public education and

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to serve as a resource for parents and students and as an advocate for students in the public education system.

Sec. 2. RCW 28A.300.130 and 1999 c 388 s 401 are each amended to read as follows:

(1) ~~((Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible.))~~ To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. ~~((The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885.))~~ The center shall work in conjunction with ~~((the academic achievement and accountability commission))~~ parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) ~~((Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission;~~

~~—(b))~~ Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

~~((c))~~ (b) Provide best practices research ~~((and advice))~~ that can be used to help schools develop and implement: Programs and practices to improve instruction ~~((of the essential academic learning requirements under section 701 of this act));~~ systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

~~((d))~~ ~~Develop and distribute, in conjunction with the academic achievement and accountability commission, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;~~

~~—(e)~~ Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

~~—(f))~~ (c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

~~((g))~~ Take other actions to increase public awareness of the importance of parental and community involvement in education;

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~~((h))~~ (d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

~~((i))~~ (e) Provide training and consultation services, including conducting regional summer institutes;

~~((j))~~ ~~Address methods for improving the success rates of certain ethnic and racial student groups~~ (f) Identify strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

~~((k))~~ (g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, electronic mail, phone, and postal mail; and

~~((l))~~ (h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction(~~—after consultation with the academic achievement and accountability commission~~;) shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for improvement of student learning, how the services provided by the center for improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

NEW SECTION. Sec. 3. (1) There is hereby created the office of the education ombudsman within the office of the governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, and advocating on behalf of elementary and secondary students.

(2)(a) The governor shall appoint an ombudsman who shall be a person of recognized judgment, independence, objectivity, and integrity and shall be qualified by training or experience or both in the following areas:

- (i) Public education law and policy in this state;
- (ii) Dispute resolution or problem resolution techniques, including mediation and negotiation; and
- (iii) Community outreach.

(b) The education ombudsman may not be an employee of any school district, the office of the superintendent of public instruction, or the state board of education while serving as an education ombudsman.

(3) Before the appointment of the education ombudsman, the governor shall share information regarding the appointment to a six-person legislative committee appointed and comprised as follows:

(a) The committee shall consist of three senators and three members of the house of representatives from the legislature.

(b) The senate members of the committee shall be appointed by the president of the senate. Two members shall represent the majority caucus and one member the minority caucus.

(c) The house of representatives members of the committee shall be appointed by the speaker of the house of representatives. Two members shall represent the majority caucus and one member the minority caucus.

(4) If sufficient appropriations are provided, the education ombudsman shall delegate and certify regional education ombudsmen. The education ombudsman shall ensure that the regional ombudsmen selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombudsman may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombudsman services.

NEW SECTION. Sec. 4. The education ombudsman shall have the following powers and duties:

(1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;

(3) To identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

(5) To refer complainants and others to appropriate resources, agencies, or departments;

(6) To facilitate the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system;

(7) To perform such other functions consistent with the purpose of the education ombudsman; and

(8) To consult with representatives of the following organizations and groups regarding the work of the office of the education ombudsman, including but not limited to:

- (a) The state parent teacher association;
- (b) Certificated and classified school employees;
- (c) School and school district administrators;
- (d) Parents of special education students;
- (e) Parents of English language learners;
- (f) The Washington state commission on Hispanic affairs;
- (g) The Washington state commission on African-American affairs;
- (h) The Washington state commission on Asian Pacific American affairs; and
- (i) The governor's office of Indian affairs.

NEW SECTION. Sec. 5. (1) Neither the education ombudsman nor any regional educational ombudsmen are liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any student or employee of any school district, the office of the superintendent of public education, or the state board of education, for any communication made, or information given or disclosed, to aid the education ombudsman in carrying out his or her duties and responsibilities, unless the same was done without good faith or maliciously. This subsection is not intended to infringe upon the rights of a school district to supervise, discipline, or terminate an employee for other reasons or to discipline a student for other reasons.

(3) All communications by the education ombudsman or the ombudsman's staff or designee, if reasonably related to the

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education ombudsman's duties and responsibilities and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

NEW SECTION. Sec. 6. The education ombudsman shall treat all matters, including the identities of students, complainants, and individuals from whom information is acquired, as confidential, except as necessary to enable the education ombudsman to perform the duties of the office. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law.

NEW SECTION. Sec. 7. The education ombudsman shall report on the work and accomplishment of the office and advise and make recommendations to the governor, the legislature, and the state board of education annually. The initial report to the governor, the legislature, and the state board of education shall be made by September 1, 2007, and there shall be annual reports by September 1st each year thereafter. The annual reports shall provide at least the following information:

(1) How the education ombudsman's services have been used and by whom;

(2) Methods for the education ombudsman to increase and enhance family and community involvement in public education;

(3) Recommendations to eliminate barriers and obstacles to meaningful family and community involvement in public education; and

(4) Strategies to improve the educational opportunities for all students in the state, including recommendations from organizations and groups provided in section 4(8) of this act.

NEW SECTION. Sec. 8. Sections 3 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act and section 2 of this act, referencing this act and section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

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

Senators Pflug and Johnson spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Schmidt to Engrossed Substitute House Bill No. 3127.

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

MOTION

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

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.130; adding a new chapter to Title 43 RCW; and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 3127 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senators Pflug and Johnson spoke against passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3127 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3127 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 21

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1439,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 2155,
 SUBSTITUTE HOUSE BILL NO. 2345,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418,
 HOUSE BILL NO. 2465,
 HOUSE BILL NO. 2466,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
 SUBSTITUTE HOUSE BILL NO. 2481,
 SUBSTITUTE HOUSE BILL NO. 2553,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575,
 SUBSTITUTE HOUSE BILL NO. 2678,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
 SECOND SUBSTITUTE HOUSE BILL NO. 2754,
 SUBSTITUTE HOUSE BILL NO. 2812,
 SUBSTITUTE HOUSE BILL NO. 2836,
 HOUSE BILL NO. 2879,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 3033,
 SUBSTITUTE HOUSE BILL NO. 3164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
 SUBSTITUTE HOUSE BILL NO. 3282,
 HOUSE JOINT RESOLUTION NO. 4223,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

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HOUSE BILL NO. 1439,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 2155,
 SUBSTITUTE HOUSE BILL NO. 2345,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 2418,
 HOUSE BILL NO. 2465,
 HOUSE BILL NO. 2466,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
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 NO. 2575,
 SUBSTITUTE HOUSE BILL NO. 2678,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
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 SUBSTITUTE HOUSE BILL NO. 2812,
 SUBSTITUTE HOUSE BILL NO. 2836,
 HOUSE BILL NO. 2879,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 3033,
 SUBSTITUTE HOUSE BILL NO. 3164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
 SUBSTITUTE HOUSE BILL NO. 3282,
 HOUSE JOINT RESOLUTION NO. 4223,

President Pro Tempore assumed the chair.

MOTION

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
 8740

By Senators Kohl-Welles, Schmidt, Shin, Pflug, McAuliffe and Parlette

WHEREAS, Ellen O'Brien Saunders is retiring from the Work Force Training and Education Coordinating Board on June 30, 2006, as the only Director since the creation of the Board in 1991; and

WHEREAS, Ellen O'Brien Saunders has articulately and effectively communicated the core mission and values of the Work Force Board and the importance of the work force development system to leaders across the state, including labor, business, state government, the K-12 system, and the community and technical college system; and

WHEREAS, Ellen O'Brien Saunders has been instrumental in coordinating the goals and objectives of multiple work force development programs, including developing and updating "High Skills, High Wages," the state strategic plan for work force development; and

WHEREAS, Ellen O'Brien Saunders has overseen the creation of a nationally renowned performance management system for work force development programs; and

WHEREAS, Ellen O'Brien Saunders has conducted outstanding annual conferences on work force development that bring together leaders from across the state to highlight best practices and learn from national and state level experts; and

WHEREAS, Ellen O'Brien Saunders has been a national leader on work force development, having served as the Chair of the National Association of State Directors of Career Technical Education Consortium;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby commend Ellen O'Brien Saunders for her tireless efforts on behalf of the work force development system in this state and her dedication to serving students, laborers, and businesses in the State of Washington since the inception of the Work Force Board; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ellen O'Brien Saunders and the Work Force Training and Education Coordinating Board.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8740.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

Senator Prentice moved adoption of the following resolution:

SENATE RESOLUTION
 8741

By Senators Prentice, Fraser, Zarelli, Doumit, Fairley, Rockefeller, Spanel, Parlette, Pflug, Brandland, Hewitt, Schoesler, Regala, Kastama, Pridemore, Brown, Thibaudeau, Kohl-Welles, Eide, Jacobsen, Rasmussen and Roach

WHEREAS, In 1976, Terry Lee Wilson graduated from Indiana University School of Law, where he learned the fine art of bill drafting from the legendary Professor Reed Dickerson; he hasn't stopped drafting bills since; and

WHEREAS, After graduating from law school and seeking to flee the rust belt of Indiana, Mr. Wilson packed his 'Bread' albums in the back of his silver Chevrolet Chevette and drove west; and

WHEREAS, Like the explorers Lewis and Clark, Mr. Wilson didn't stop until he hit the Pacific Ocean ... at Olympia, Washington; he was impressed by the mild weather, beautiful landscapes, and generous retirement systems; and

WHEREAS, Shortly after arriving in Olympia, Mr. Wilson landed his first job as a temporary session attorney at the Code Reviser's Office where he honed his legislative drafting skills by mastering the exotic and arcane details of excise taxation and the Interstate Commerce Clause; and

WHEREAS, Laboring in relative obscurity for more than 12 years in the Code Reviser's Office, Mr. Wilson silently worked toward his lifelong goal: Personally rewriting the entire state tax code; and

WHEREAS, Recognizing his unique talents, Mr. Wilson was hired by the Senate as Tax Counsel for the Senate Ways and Means Committee, which allowed him to pursue his lifelong goal at an even faster rate; and

WHEREAS, After mastering computer programming, Mr. Wilson created a unique legislative bill-drafting software that is used throughout the Legislature; and

WHEREAS, In 1997, Mr. Wilson's obscurity as a wizard bill drafter came to an abrupt halt after gaining great notoriety by drafting Referendum 47, an artful scheme to reduce property taxes that was overwhelmingly approved by the voters ... and overwhelmingly declared to be unconstitutional by the Washington State Supreme Court in a very close vote of 9 to 0; and

WHEREAS, Mr. Wilson has seen every version of the old saying, "Don't tax me, don't tax thee; tax that fellow behind the tree"; and

WHEREAS, Mr. Wilson's mind is like a Rubik's Cube of tax law: You can ask him to twist and bend it in every complicated direction, but in the end, he always knows how to solve the puzzle and make things come out right; and

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WHEREAS, There are rumors that his set of RCW's is gathering dust: He knows all sections of the tax law so well, he never has to look anything up; and

WHEREAS, We've all heard the saying, "Taxation without representation is tyranny," but perhaps Mr. Wilson has observed that taxation *with* representation is not so good either; and

WHEREAS, The Senate wishes Mr. Wilson all the best, as he enters retirement, free to pursue one of his favorite hobbies: Computer programming; and

WHEREAS, Mr. Wilson's amazing productivity will be missed by the three employees who will be hired to replace him;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Terry Wilson's legal expertise and wise counsel, valued by many political generations of senators, representatives, and legislative staff; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Terry Wilson.

Senators Prentice, Hewitt, Brown, Pflug, Fraser, Parlette, Thibaudeau, Zarelli, Spanel, Rockefeller and Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8741.

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

REMARKS BY PRESIDENT PRO TEMPORE

Senator Franklin: "I would just like to say to Mr. Wilson that I'm sure that maybe he will be glad to get rid of me because I kept sending the same message; 'What about that review of the, that came from the Gates Commission, would you redraft that and keep redrafting it?' He won't have to do that anymore. Thank you for being there."

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 3261 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position and pass Engrossed House Bill No. 3261 without the Senate amendment(s).

Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Delvin, Hewitt, Deccio and McCaslin were excused.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

The President Pro Tempore declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position and pass Engrossed House Bill No. 3261 without Senate amendment(s).

The motion by Senator Kline carried and the Senate receded from its position on Engrossed House Bill No. 3261.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3261, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Benson, Finkbeiner, Johnson and Keiser - 4

Excused: Senators Deccio, Hargrove, Hewitt, McCaslin and Oke - 5

ENGROSSED HOUSE BILL NO. 3261, without Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:37 p.m., on motion of Senator Eide, the Senate was at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED HOUSE BILL NO. 2716
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SENATE BILL NO. 6368,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

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RICHARD NAFZIGER, Chief Clerk

March 7, 2006

MR. PRESIDENT:

The House insists on its position to House amendments to ENGROSSED SENATE BILL NO. 5330 and asks Senate to concur therein.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5330.

Senators Shin and Pflug spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5330.

MOTION

On motion of Senator Schoesler, Senators Johnson, Zarelli and Deccio were excused.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5330 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators McCaslin and Morton - 2

Absent: Senator Kline - 1

Excused: Senators Hewitt and Johnson - 2

ENGROSSED SENATE BILL NO. 5330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House insists in its amendment to SUBSTITUTE SENATE BILL NO. 6330 and asks Senate to concur therein.

and the same is herewith transmitted.

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6330.

Senators Shin and Pflug spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6330.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

MOTION

On motion of Senator Pflug, Senator Parlette was excused.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6330 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators McCaslin and Morton - 2

Absent: Senator Kline - 1

Excused: Senators Hewitt and Johnson - 2

SUBSTITUTE SENATE BILL NO. 6330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6362 was returned to second reading for purpose of an amendment: The House adopted 6362-S AMH NIXON LEAT 095, and passed the House as amended by the House.

On page 4, line 27, after "attorney" strike all material through "day" on line 28 and insert "at any time"

On page 4, line 29, after "day" insert "regarding a voter who presents himself or herself to vote at the poll site" and the same are herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6362.

Senators Kohl-Welles and Roach spoke in favor of passage of the motion.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6362.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6362 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6362, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6362, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 47

Voting nay: Senator Zarelli - 1

Excused: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 6362, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5305 was returned to second reading for purpose of an amendment. The House adopted 5305-S.E AMH CODY BLAC 195, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that vaccinations and immunizations are among the most important public health innovations of the last one hundred years. The centers for disease control and prevention placed vaccinations at the top of its list of the ten greatest public health achievements of the twentieth century. In its efforts to improve public health in the world's poorest countries, the Bill and Melinda Gates foundation has identified childhood immunization as a cost-effective method of improving public health and saving the lives of millions of children around the world.

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Fortunately, in Washington, safe and cost-effective vaccinations against childhood diseases are widely available through both public and private resources. The vaccines that the Washington state department of health provides to meet the requirements for the recommended childhood vaccination schedule through its universal childhood vaccine program are screened for thimerosal and preference is given toward the purchase of thimerosal-free products. The department of health currently provides thimerosal-free products for all routinely recommended childhood vaccines. Regardless of the absence of thimerosal in childhood vaccines in Washington, scientifically reputable organizations such as the centers for disease control and prevention, the national institute of medicine, the American academy of pediatrics, the food and drug administration, and the world health organization have all determined that there is no credible evidence that the use of thimerosal in vaccines poses a threat to the health and safety of children.

Notwithstanding these assurances of the safety of the vaccine supply, the legislature finds that where there is public concern over the safety of vaccines, vaccination rates may be reduced to the point that deadly, vaccine-preventable, childhood diseases return. This measure is being enacted to maintain public confidence in vaccine programs, so that the public will continue to seek vaccinations and their health benefits may continue to protect the people of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 70.95M RCW to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon declaration of a public health emergency, suspend the requirements of this section for the duration of the emergency.

(4) All vaccines and products referenced under this section must meet food and drug administration licensing requirements."

and the same are herewith transmitted.

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5305 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Kohl-Welles - 1

Excused: Senator Parlette - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Finkbeiner: "Senator Esser also represents Kirkland and he's happy to see you (residents and staff of the Kirkland Senior Center) here too today. Thank you."

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6325 was returned to second reading for purpose of an amendment: 6325-S AMH CLEM MORI 060, and passed the House as amended by the House.

On page 1, line 5, after "Sec. 1." insert "(1)"

On page 1, line 8, after "subject matter." insert "The state preemption created in this section applies to all rules, regulations, codes, statutes, and ordinances pertaining to residency restrictions for persons convicted of any sex offense at any time."

On page 1, after line 8, insert:

"(2) This section does not apply to rules, regulations, codes, statutes, or ordinances adopted by cities, counties, municipalities, or local agencies prior to March 1, 2006, except as required by an order issued by a court of competent jurisdiction pursuant to litigation regarding the rules, regulations, codes, statutes, or ordinances.

(3) This section expires one year after the effective date of this act."

On page 1, after line 12, insert:

"NEW SECTION. Sec. 3. (1) The association of Washington cities, working with the cities and towns of Washington state, shall develop statewide standards for cities and towns to consider when determining whether to impose residency restrictions on sex offenders within their jurisdiction.

(2) The association of Washington cities shall be encouraged to work in consultation with a representative from each of the following agencies and organizations:

- (a) The attorney general of Washington;
- (b) The Washington state association of counties;
- (c) The department of community, trade, and economic development;
- (d) The department of corrections;
- (e) The Washington association of sheriffs and police chiefs; and

(f) Any other agencies and organizations as deemed appropriate by the association of Washington cities, such as the Washington association of prosecuting attorneys, the juvenile rehabilitation administration of the department of social and health services, the indeterminate sentence review board, the Washington association for the treatment of sexual abusers, and the Washington coalition of sexual assault programs.

(3) The statewide standards for whether to impose residency restrictions on sex offenders should consider the following elements:

(a) An identification of areas in which sex offenders should not reside due to concerns regarding public safety and welfare;

(b) An identification of areas in which sex offenders may reside, taking into consideration factors such as:

(i) How many housing units must reasonably be available in order to accommodate registered sex offenders in a city or town;

(ii) The average response time of emergency services to the areas;

(iii) The proximity of risk potential activities to the areas; and

(iv) The proximity of medical care, mental health care providers, and sex offender treatment providers to the areas;

(c) A prohibition against completely precluding sex offender residences within a city or town, implicating a sex offender's right to travel, or enacting a criminal regulatory measure;

(d) Appropriate civil remedies for violations of a local ordinance; and

(e) Unique local conditions that should be given due deference, such as proximity to state facilities that house or treat sex offenders.

(4) The association of Washington cities, on behalf of the cities and towns in Washington, shall present the statewide standards, along with any recommendations and proposed legislation, to the governor and the legislature no later than December 31, 2006."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6325.

Senators Regala and Stevens spoke in favor of passage of the motion.

MOTION

On motion of Senator Eide, Senator Kohl-Welles was excused.

MOTION

On motion of Senator Finkbeiner, Senator McCaslin was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6325.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6325 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6325, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6325, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brandland - 1

Excused: Senators Kohl-Welles, McCaslin and Parlette - 3

SUBSTITUTE SENATE BILL NO. 6325, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2716, by Representatives Fromhold, Kessler, Skinner, Haigh, Strow, Moeller, Armstrong, Conway, Curtis, Murray, Buri, Green, Ericksen, Serben, McDermott, Morrell, McIntire, Appleton, Kenney, P. Sullivan, Ormsby and Linville

Modifying provisions relating to nursing facility medicaid payment systems.

The measure was read the second time.

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed House Bill No. 2716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2716.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2716 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Parlette - 2

ENGROSSED HOUSE BILL NO. 2716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6581, by Senators Poulsen and Delvin

Regarding water resource management in the Columbia river basin.

MOTION

On motion of Senator Fraser, Second Substitute Senate Bill No. 6581 was substituted for Senate Bill No. 6581 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Morton and Poulsen be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. 2005 c 488 s 330 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

The appropriation in this section is subject to the following conditions and limitations: \$12,000,000 of the appropriation is provided solely for projects and water right acquisitions to support watershed planning efforts and achieving instream flows subject to the following project types, conditions, and limitations:

(1) Up to \$1,353,172 of the appropriation is provided to improve irrigation efficiency and to achieve associated flow improvements in the Twisp and Methow rivers by providing for cleaning and lining and/or piping of 30,943 linear feet of the irrigation canal within the lower (downstream) seven miles of the Methow Valley irrigation district's west canal. Of this amount, up to \$100,000 is provided for a neutral independent consultant to provide management assistance to the Methow Valley irrigation district for purposes of identifying structural and operational improvements to increase overall system water use efficiency.

(2) Up to \$200,000 of the appropriation is provided for a portion of the costs of the project level environmental impact statement for the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(3) Up to \$75,000 of the appropriation is provided to formalize the Ahtanum creek watershed restoration program, including identification of site specific habitat improvement projects and determination of the most appropriate restoration program alternative to implement.

(4) Up to \$1,500,000 of the appropriation is provided to reduce diversions from the Dungeness river through pipeline projects identified in the Dungeness river comprehensive irrigation district management plan. For at least one year from the effective date of this section, while the parties seek resolution of the court action filed in Thurston county superior court, No. 04-2-00078-2, none of these funds may be allocated

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to any projects in the Dungeness river basin that are within the area that is the zone of contribution for ground and surface water infiltration to the existing Graysmarsh wetland.

remainder of the title and insert "a study of the instream flows of the Hanford Reach; and amending 2005 c 488 s 330 (uncodified)."

(5) \$100,000 of the appropriation is provided solely to the city of Normandy Park to implement the basin plan for the Miller/Walker and Salmon creek basins.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(6) Water storage grants for the development of plans, engineering and financing reports, acquiring lands and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects should be consistent with the recommendations of the water storage task force. The department of ecology would issue grants in consultation with the departments of agriculture and fish and wildlife.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6581.

ROLL CALL

(7) Infrastructure improvement projects and other water management actions that benefit stream flows and enhance water supply to resolve conflicts among water needs for municipal water supply, agriculture water supply, and fish restoration. The stream flow improvements and other public benefits secured from these projects should be commensurate with the investment of state funds.

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6581 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

(8) Projects for planning, acquisition, construction, and improvement of agriculture water supply facilities and achieving water conservation and water use efficiency improvements.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

(9) Financial assistance to purchase and install water measuring devices at points of diversion and withdrawal. Preference would be given to fish-critical basins, to areas participating in the department of fish and wildlife fish screening and cooperative compliance programs, and to basins where watershed planning has determined additional water diversion and withdrawal information is needed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

(10) Funding for acquisition of either water or water rights, or both, for instream flow achievement and establishment of water accounts. The appropriation is provided for either the purchase or lease, or both, of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

SUBSTITUTE HOUSE BILL NO. 2569, by House Committee on Finance (originally sponsored by Representatives Morrell, Roach, Campbell, Williams, Kilmer, Clibborn, Conway, Blake, Eickmeyer, Flannigan, Wallace, Roberts, Upthegrove, McCoy, McDonald, Green, Dickerson, Lantz and Springer)

(11) The department shall provide small grants to watershed councils that have completed watershed plans. The grants are intended to support periodic meetings of the councils so that they can monitor the implementation of watershed plans.

Lowering the interest rate for the property tax deferral program.

(12) \$250,000 of the state building construction account--state appropriation for fiscal year 2007 is provided solely to the department of ecology to work with interested parties to study instream flows in the Hanford Reach and their impact on the ecological condition of the Hanford Reach especially as it relates to the needs of salmon and steelhead in the Hanford Reach. The department shall submit to the office of the governor and to the appropriate fiscal and policy committees of the legislature a report of its findings by July 1, 2007.

The measure was read the second time.

MOTION

Appropriation:

State Building Construction Account--State	..	\$12,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$48,000,000
TOTAL	.....	\$60,000,000"

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2569 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Morton spoke in favor of adoption of the striking amendment.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Morton and Poulsen to Second Substitute Senate Bill No. 6581.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2569.

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

ROLL CALL

MOTION

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

The Secretary called the roll on the final passage of Substitute House Bill No. 2569 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On page 1, line 1 of the title, after "Relating to" strike the

Voting yea: Senators Benson, Benton, Berkey, Brandland,

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Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8423, by Senator Fairley

Creating a homeowners' association act committee.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Concurrent Resolution No. 8423 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8423.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8423 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Mulliken and Roach - 2

SENATE CONCURRENT RESOLUTION NO. 8423, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8423 was immediately transmitted to the House of Representatives.

SECOND READING

HOUSE BILL NO. 2612, by Representatives Kagi, O'Brien, Darneille, Rodne, Kenney, Schual-Berke, Morrell and Springer

Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation

program.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2612.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2612 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 2612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6652, by Senators Kohl-Welles, Kline, Fraser, Keiser and McAuliffe

Protecting victims of human trafficking.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6652 was substituted for Senate Bill No. 6652 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6652.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6652 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Kline - 1

SUBSTITUTE SENATE BILL NO. 6652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2799, by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Crouse, Eickmeyer, Clibborn, P. Sullivan, Hunt, McCoy, Miloscia, Grant, Sells, Williams, McCune, Moeller, Conway, Upthegrove, Morrell, Simpson, Kilmer, Kagi, Hudgins, Dunn and Darneille)

Providing tax exemptions for solar hot water equipment. Revised for 2nd Substitute: Providing tax exemptions for solar water heating equipment.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Second Substitute House Bill No. 2799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2799.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2799 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Deccio - 1

Excused: Senator Kline - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, by House Committee on Appropriations (originally sponsored by Representatives Santos, Morrell, Bailey, Cody, Hinkle, Pettigrew, Linville and Schual-Berke)

Concerning assisted living facility medicaid minimum occupancy of fifty percent or greater.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the department shall establish a capital add-on rate, not less than the July 1, 2005, capital add-on rate established by the department, for those assisted living facilities contracting with the department that have a medicaid occupancy percentage of sixty percent or greater.

(2) Effective January 1, 2006, the department shall use July 1, 2005, through December 31, 2005, medicaid resident days divided by the product of all its licensed boarding home beds irrespective of use, times calendar days for the six-month period, to determine the assisted living facility's medicaid occupancy percentage. Effective with July 1, 2007, and for each July 1st rate-setting period thereafter, the department shall determine the facility's medicaid occupancy percentage using the last six months' medicaid resident days from the preceding calendar year divided by the product of all its licensed boarding home beds irrespective of use, times calendar days for the six-month period. For the purposes of this section, medicaid resident days include those clients who are enrolled in a medicaid managed long-term care program, including but not limited to the program for all inclusive care and the medicaid integration project.

(3) The medicaid occupancy percentage established beginning on January 1, 2006, and July 1, 2007, and for each July 1st thereafter, shall be used to determine whether an assisted living facility qualifies for the capital add-on rate under this section. Those facilities that qualify for the capital add-on rate shall receive the capital add-on rate throughout the applicable fiscal year, except that the rates established on January 1, 2006, shall be in effect until June 30, 2007."

On page 1, line 2 of the title, after "greater;" strike the remainder of the title and insert "and adding a new section to chapter 74.39A RCW."

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2925.

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

MOTION

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

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the department shall establish a capital add-on rate, not less than the July 1, 2005, capital add-on rate established by the department, for those assisted living facilities contracting with the department that have a medicaid occupancy percentage of sixty percent or greater.

(2) Effective for July 1, 2006, and for each July 1st rate-setting period thereafter, the department shall determine the facility's medicaid occupancy percentage using the last six months' medicaid resident days from the preceding calendar year divided by the product of all its licensed boarding home beds irrespective of use, times calendar days for the six-month period. For the purposes of this section, medicaid resident days include those clients who are enrolled in a medicaid managed long-term care program, including but not limited to the program for all inclusive care and the medicaid integration project.

(3) The medicaid occupancy percentage established beginning on July 1, 2006, and for each July 1st thereafter, shall be used to determine whether an assisted living facility qualifies for the capital add-on rate under this section. Those facilities that qualify for the capital add-on rate shall receive the capital add-on rate throughout the applicable fiscal year.

NEW SECTION. Sec. 3. This act takes effect July 1, 2006."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Prentice to Engrossed Substitute House Bill No. 2925.

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

MOTION

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

On page 1, line 2 of the title, after "greater;" strike the remainder of the title and insert "adding a new section to chapter 74.39A RCW; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2925 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2925 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2925 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2640, by House Committee on Finance (originally sponsored by Representatives B. Sullivan, McCoy, O'Brien, Halder, Sells, Morris, Ericks, Strow and Dunn)

Providing biotechnology product and medical device manufacturing tax incentives.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Oke was excused.

MOTION

On motion of Senator Regala, Senators Thibaudeau and Jacobsen were excused.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2640 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senators Fairley, Fraser and Kline - 3

Excused: Senators Jacobsen, Oke and Thibaudeau - 3

SUBSTITUTE HOUSE BILL NO. 2640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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On motion of Senator Eide, Engrossed Substitute House Bill No. 2925 was immediately transmitted to the House of Representatives.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6533, with the following amendments{s} 6533-s AMH ERIM PETE 102.

On page 1, line 10, strike "fifty percent" and insert "twenty-five percent from July 1, 2006 through June 30, 2007, fifty percent from July 1, 2007 through June 30, 2008, seventy-five percent from July 1, 2008 through June 30, 2009 and one-hundred percent after June 30, 2009" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6533.

Senator Prentice spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6533.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6533 by voice vote.

MOTION

On motion of Senator Schoesler, Senators Johnson and Honeyford were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6533, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6533, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Weinstein and Zarelli - 41

Voting nay: Senators Fairley, Fraser, Kline, Spanel and Thibaudeau - 5

Excused: Senators Honeyford, Jacobsen and Oke - 3

SUBSTITUTE SENATE BILL NO. 6533, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6793, with the following amendments{s} 6793-S2 AMH ... H5514.7.

Strike everything after the enacting clause and insert the following:

**"PART I
REGIONAL SUPPORT NETWORKS**

NEW SECTION. Sec. 101 (1) The legislature finds that ambiguities have been identified regarding the appropriation and allocation of federal and state funds, and the responsibilities of the department of social and health services and the regional support networks with regard to the provision of inpatient mental health services under the community mental health services act, chapter 71.24 RCW, and the involuntary treatment act, chapter 71.05 RCW. The purpose of this 2006 act is to make retroactive, remedial, curative, and technical amendments in order to resolve such ambiguities.

(2) In enacting the community mental health services act, the legislature intended the relationship between the state and the regional support networks to be governed solely by the terms of the regional support network contracts and did not intend these relationships to create statutory causes of action not expressly provided for in the contracts. Therefore, the legislature's intent is that, except to the extent expressly provided in contracts entered after the effective date of this section, the department of social and health services and regional support networks shall resolve existing and future disagreements regarding the subject matter identified in sections 103 and 301 of this act through nonjudicial means.

Sec. 102 RCW 71.24.016 and 2001 c 323 s 4 are each amended to read as follows:

(1) The legislature intends that eastern and western state hospitals shall operate as clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. It is further the intent of the legislature that the community mental health service delivery system focus on maintaining mentally ill individuals in the community. The program shall be evaluated and managed through a limited number of performance measures designed to hold each regional support network accountable for program success.

(2) The legislature intends to address the needs of people with mental disorders with a targeted, coordinated, and comprehensive set of evidence-based practices that are effective in serving individuals in their community and will reduce the need for placements in state mental hospitals. The legislature further intends to explicitly hold regional support networks accountable for serving people with mental disorders within their geographic boundaries and for not exceeding their allocation of state hospital beds. Within funds appropriated by the legislature for this purpose, regional support networks shall develop the means to serve the needs of people with mental disorders within their geographic boundaries. Elements of the program may include:

- (a) Crisis triage;
- (b) Evaluation and treatment and community hospital beds;
- (c) Residential beds;
- (d) Programs for community treatment teams; and

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(e) Outpatient services.

(3) The regional support network shall have the flexibility, within the funds appropriated by the legislature for this purpose, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Regional support networks are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

NEW SECTION. Sec. 103 A new section is added to chapter 71.24 RCW to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after the effective date of this section.

(2) Except as expressly provided in contracts entered into between the department and the regional support networks after the effective date of this section, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, regional support networks, and entities which contract to provide regional support network services and their subcontractors, agents, or employees.

Sec. 104 RCW 71.24.025 and 2005 c 504 s 105 and 2005 c 503 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals(~~(, except as negotiated according to RCW 71.24.300(1)(d)).~~).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(10) "Department" means the department of social and health services.

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(12) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, a potential for becoming a research-based or consensus-based practice.

(13) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(14) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(15) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(16) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

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~~((16))~~ (17) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((25))~~ (26), and ~~((26))~~ (27) of this section.

~~((17))~~ (18) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((18))~~ (19) "Regional support network" means a county authority or group of county authorities or other nonprofit entity recognized by the secretary in contract in a defined region.

~~((19))~~ (20) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((20))~~ (21) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((21))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((22))~~ (23) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((23))~~ (24) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((24))~~ (25) "Secretary" means the secretary of social and health services.

~~((25))~~ (26) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((26))~~ (27) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((27))~~ (28) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((28))~~ (29) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((29))~~ (30) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 105 RCW 71.24.045 and 2005 c 503 s 8 are each amended to read as follows:

The regional support network shall:

(1) Contract as needed with licensed service providers. The regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a regional support network provided service is more efficient and cost effective;

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(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

~~(6) (Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155. PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;~~

~~(7)) Collaborate to ensure that policies do not result in an adverse shift of mentally ill persons into state and local correctional facilities;~~

~~((8)) (7) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;~~

~~((9)) (8) If a regional support network is not operated by the county, work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and~~

~~((10)) (9) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state mental hospital that they no longer need intensive inpatient care.~~

Sec. 106 RCW 71.24.300 and 2005 c 503 s 11 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(4) If a regional support network is a private nonprofit entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(5) The roles and responsibilities of the private nonprofit entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

~~((11)) (6) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:~~

~~(a) Administer and provide for the availability of all resource management services, residential services, and community support services.~~

~~(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.~~

~~(c) Provide within the boundaries of each regional support network evaluation and treatment services for at least ~~((eighty-five))~~ ninetypercent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks ~~((with populations of less than one hundred fifty thousand))~~ may contract to purchase evaluation and treatment services from other networks if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to:~~

~~(i) Contracts with neighboring or contiguous regions; or~~
~~(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.~~

~~(d) ((Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.~~

~~(e)) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children.~~

~~((f)) (e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.~~

~~((2)) (7) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.~~

~~((3)) (8) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and~~

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outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the regional support network, county elected officials. Composition and length of terms of board members may differ between regional support networks but shall be included in each regional support network's contract and approved by the secretary.

~~((4))~~ (9) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

~~((5))~~ (10) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection ~~((7))~~ (6) of this section.

Sec. 107 RCW 71.24.310 and 1989 c 205 s 6 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that ~~((any enhanced program funding for implementation of))~~ the department and the regional support networks shall work together to implement chapter 71.05 RCW ~~((or this chapter, except for funds allocated for implementation of mandatory statewide programs as required by federal statute, be made available primarily to those counties participating in regional support networks))~~ as follows:

(1) By June 1, 2006, regional support networks shall recommend to the department the number of state hospital beds that should be allocated for use by each regional support network. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the regional support networks regarding the number of state hospital beds that should be allocated for use by each regional support network, the department shall contract with each regional support network accordingly.

(3) If there is not consensus among the regional support networks regarding the number of beds that should be allocated for use by each regional support network, the department shall establish by emergency rule the number of state hospital beds that are available for use by each regional support network. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of acutely and chronically mentally ill adults in each regional support network area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather

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than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

(6) If a regional support network uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

PART II MENTAL HEALTH AUTHORITY

Sec. 201 RCW 71.24.035 and 2005 c 504 s 715 and 2005 c 503 s 7 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the

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secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320 ~~((and)),~~ 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to

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furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

~~(13)((a) The department, in consultation with affected parties, shall establish a distribution formula that reflects regional needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on regions of demographic factors which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.~~

~~—(b) The formula shall also include a projection of the funding allocations that will result for each region, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.~~

~~—(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.)) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.~~

(14) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

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The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. ~~((Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.))~~ Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 202 RCW 71.24.320 and 2005 c 503 s 4 are each amended to read as follows:

(1) The secretary shall initiate a procurement process for regional support networks in 2005. In the first step of the procurement process, existing regional support networks may respond to a request for qualifications developed by the department. The secretary shall issue the request for qualifications not later than October 1, 2005. The request for qualifications shall be based on cost-effectiveness, adequate residential and service capabilities, effective collaboration with criminal justice agencies and the chemical dependency treatment system, and the ability to provide the full array of services as stated in the mental health state plan, and shall meet all applicable federal and state regulations and standards. An existing regional support network shall be awarded the contract with the department if it substantially meets the requirements of the request for qualifications developed by the department.

(2)(a) If an existing regional support network chooses not to respond to the request for qualifications, or is unable to substantially meet the requirements of the request for qualifications, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the regional support network in that region. The procurement process shall begin with a request for proposals issued March 1, 2006.

(i) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

(ii) Regional support networks that substantially met the requirements of the request for qualifications may bid to serve as the regional support network for other regions of the state that are subject to the request for proposal process. The proposal

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shall be evaluated on whether the bid meets the threshold requirement for the new region and shall not subject the regional support networks' original region to the request for proposal.

(b) Prior to final evaluation and scoring of the proposals all respondents will be provided with an opportunity for a detailed briefing by the department regarding the deficiencies in the proposal and shall be provided an opportunity to clarify information previously submitted.

Sec. 203 RCW 71.24.330 and 2005 c 503 s 6 are each amended to read as follows:

(1) Contracts between a regional support network and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(2) The procurement process shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. The procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices; ~~((and))~~

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require regional support networks to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025; and

(f) Include a negotiated alternative dispute resolution clause.

Sec. 204 RCW 72.23.025 and 1998 c 245 s 141 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. ~~((Over the next six years, their involvement in providing short-term, acute care, and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW.))~~ To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

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(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a)(viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section; and

(e) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington state by performing the following activities:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state

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hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

PART III INVOLUNTARY TREATMENT

NEW SECTION. Sec. 301 A new section is added to chapter 71.05 RCW to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after the effective date of this section.

(2) Except as expressly provided in contracts entered into between the department and the regional support networks after the effective date of this section, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, regional support networks, and entities which contract to provide regional support network services and their subcontractors, agents, or employees.

Sec. 302 RCW 71.05.230 and 1998 c 297 s 13 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. There shall be no fee for filing petitions for fourteen days of involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and either results in a likelihood of serious harm, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the ~~(county)~~ designated mental health professional has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a mental health professional who have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts

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that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary intensive treatment or a ninety day less restrictive alternative treatment after a probable cause hearing has been held pursuant to RCW 71.05.240; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the ((county)) designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

Sec. 303 RCW 71.05.300 and 1998 c 297 s 17 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the ((county)) designated mental health professional. The ((county)) designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, ((and)) the prosecuting attorney, and the regional support network administrator, and provide a copy of the petition to such persons as soon as possible. The regional support network administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a developmentally disabled person who has been determined to be incompetent pursuant to RCW 10.77.090(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 304 RCW 71.05.320 and 1999 c 13 s 7 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period

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of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That

(a) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(b) If the committed person is developmentally disabled and has been determined incompetent pursuant to RCW 10.77.090(4), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

((2)) (3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

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If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this subsection. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

((3)) (4) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

PART IV MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 401 RCW 71.05.550 (Recognition of county financial necessities) and 2005 c 504 s 218 & 1973 1st ex.s. c 142 s 60 are each repealed.

NEW SECTION. Sec. 402 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 403 Part headings used in this act are not part of the law.

NEW SECTION. Sec. 404 This act takes effect July 1, 2006, except that sections 101 through 103, 107, 202, and 301 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6793.

Senators Hargrove and Stevens spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6793.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6793 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6793, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second

Substitute Senate Bill No. 6793, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Honeyford, Jacobsen and Oke - 3

SECOND SUBSTITUTE SENATE BILL NO. 6793, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6874, with the following amendment(s) 6874-S AMH ... H5510.6.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to

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the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW

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43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business shall, in the case of extractors, be equal to the value of products, including byproducts, extracted, or in the case of extractors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

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(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business shall, in the case of manufacturers, be equal to the value of products, including byproducts, manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business shall be equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) For purposes of this subsection, the following definitions apply:

(i) "Timber products" means logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber; pulp; and recycled paper products.

(ii) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; and wood windows.

NEW SECTION. Sec. 2 A new section is added to chapter 82.04 RCW to be codified between RCW 82.04.260 and 82.04.263 to read as follows:

(1) In addition to the taxes imposed under RCW 82.04.260(12), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260(12). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent added to the rates provided in RCW 82.04.260(12) (a), (b), and (c).

(2) All receipts from the surcharge imposed under this section shall be deposited into the forest and fish support account created in section 3 of this act.

(3)(a) The surcharge imposed under this section shall be suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) shall take effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge shall be imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) shall take effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge shall be imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department shall adjust the surcharge in accordance with this subsection.

(b) The department shall adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge shall take effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge shall be imposed again at the rate provided in subsection (1) of this section on the first day of the following state fiscal year unless the surcharge is suspended under subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and shall not be used to challenge the validity of the surcharge imposed under this section. (f) The department shall provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

(5) The office of financial management shall make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

NEW SECTION. Sec. 3 A new section is added to chapter 76.09 RCW to read as follows:

The forest and fish support account is hereby created in the state treasury. Receipts from appropriations, the surcharge imposed under RCW 82.04.260(12), and other sources must be deposited into the account. Expenditures from the account shall be used for activities pursuant to the state's implementation of the forests and fish report as defined in chapter 76.09 RCW and related activities, including, but not limited to, adaptive management, monitoring, and participation grants to tribes, state and local agencies, and not-for-profit public interest organizations. Expenditures from the account may be made only after appropriation by the legislature.

Sec. 4 RCW 34.05.030 and 2002 c 354 s 225 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the Washington personnel resources board or the director of personnel; ((~~or~~))

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(e) To adjustments by the department of revenue of the amount of the surcharge imposed under section 2 of this act; or

(f) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) The rule-making provisions of this chapter do not apply to:

(a) Reimbursement unit values, fee schedules, arithmetic conversion factors, and similar arithmetic factors used to determine payment rates that apply to goods and services purchased under contract for clients eligible under chapter 74.09 RCW; and

(b) Adjustments by the department of revenue of the amount of the surcharge imposed under section 2 of this act.

(5) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 5 RCW 82.04.230 and 1993 sp.s. c 25 s 101 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor, except persons taxable as an extractor under any other provision in this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 6 RCW 82.04.280 and 2004 c 24 s 6 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal

to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 7 RCW 82.04.280 and 2003 c 149 s 4 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages

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storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 8 RCW 82.04.440 and 2005 c 301 s 3 are each amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.298, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, 82.04.294(2), or 82.04.260 (4) ~~((or (13)))~~, (11), or (12) with respect to selling products in this state, including those persons who are also taxable under section 2 of this act, shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 (1)(b) or (12), including those persons who are also taxable under section 2 of this act, shall be allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), 82.04.294(1), or 82.04.260 (1), (2), (4), ~~((6), or (13))~~ (11), or (12), including those persons who are also taxable under section 2 of this act, with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2909(1), 82.04.260 (1), (2), (4), ~~((and (13)))~~ (11), and (12), and 82.04.294(1); (and) (ii) the tax imposed under section 2 of this act on persons who are engaged in

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business as a manufacturer; and (iii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes (i) the tax imposed on extractors in RCW 82.04.230 and 82.04.260(12); (ii) the tax imposed under section 2 of this act on persons who are engaged in business as an extractor; and (iii) similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

NEW SECTION. Sec. 9 A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.260(12) shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a person reports taxes under RCW 82.04.260(12). The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax reduced under the preferential rate in RCW 82.04.260(12). The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) The first survey filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.260(12).

(c) As part of the annual survey, the department may request additional information, including the amount of investment in equipment used in the activities taxable under the preferential rate in RCW 82.04.260(12), necessary to measure the results of, or determine eligibility for, the preferential tax rate in RCW 82.04.260(12).

(d) All information collected under this section, except the amount of the tax reduced under the preferential rate in RCW 82.04.260(12), is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax reduced is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (e) of this subsection. If the amount of the tax reduced as reported on the survey is different than the amount actually reduced based on the taxpayer's excise tax returns or otherwise allowed by the department, the amount actually reduced may be disclosed.

(e) Persons for whom the actual amount of the tax reduction is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of taxes reduced under the preferential rate in RCW 82.04.260(12) for the period covered by the survey to be

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immediately due and payable. The department shall assess interest, but not penalties, on the taxes. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the reduced taxes were due, and shall accrue until the amount of the reduced taxes is repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. The department shall report these statistics to the legislature each year by September 1st. The requirement to prepare and report summary descriptive statistics shall cease after September 1, 2025.

(5) By November 1, 2011, and November 1, 2023, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the preferential tax rate provided in RCW 82.04.260(12). The report shall measure the effect of the preferential tax rate provided in RCW 82.04.260(12) on job retention, net jobs created for Washington residents, company growth, and other factors as the committees select. The report shall include a discussion of principles to apply in evaluating whether the legislature should continue the preferential tax rate provided in RCW 82.04.260(12).

Sec. 10 RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 or section 9 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 11 RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452 or section 9 of this act must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department (~~unless the department grants relief under subsection (2) of this section~~). As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

~~(2) (Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~(4)) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.~~

Sec. 12 2003 c 149 s 12 (uncodified) is amended to read as follows:

(1)(a) This act ~~((is))~~ and section 7, chapter . . ., Laws of 2006 (section 7 of this act) are contingent upon the siting and

commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) This act takes effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, as determined by the director of the department of revenue.

(3)(a) The department of revenue shall provide notice of the effective date of this act to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and this act is effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department shall make a determination that this act is no longer effective, and all taxes that would have been otherwise due shall be deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under section 2 or 5 through 10 of this act. The department is not authorized to make a second determination regarding the effective date of this act.

NEW SECTION, Sec. 13 (1) Sections 1, 3, 4 through 6, and 8 through 12 of this act take effect July 1, 2006.

(2) Section 2 of this act takes effect July 1, 2007.

(3) Section 7 of this act takes effect if the contingency in section 12 of this act occurs.

NEW SECTION, Sec. 14 Section 6 of this act expires on the date that section 7 of this act takes effect."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Doumit moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6874.

Senators Doumit and Hargrove spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Doumit that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6874.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

The motion by Senator Doumit carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6874 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6874, as amended by the House.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 6874, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 40

Voting nay: Senators Fairley, Fraser, Kohl-Welles, Thibaudeau and Weinstein - 5

Excused: Senators Honeyford, Jacobsen, Oke and Pridemore - 4

SUBSTITUTE SENATE BILL NO. 6874, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6257 was returned to second reading for purpose of an amendment: adopted 6257-S AMH HUDG H5502.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.170.020 and 1991 c 334 s 2 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company;

(2) A sworn peace officer while engaged in the performance of the officer's official duties; ((☞))

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other persons to assist him or her in performing the duties related to his or her private employer; or

(4) Guest services or crowd management employees who do not perform the duties of a private security guard."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Delvin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6257.

Senator Delvin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Delvin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6257.

The motion by Senator Delvin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6257 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6257, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Honeyford - 1

SUBSTITUTE SENATE BILL NO. 6257, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hudgins, Green, Cody, Appleton, Morrell, Wood, McCoy, Kenney, Moeller and Chase)

Requiring hospitals to establish a safe patient handling committee.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Deccio and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1672.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1672 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

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Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Honeyford - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2880, by House Committee on Finance (originally sponsored by Representative McIntire)

Regarding insurance premiums tax. Revised for 1st Substitute: Clarifying the taxation of insurers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2880 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2880.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2880 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Benton, Delvin, Johnson, McCaslin, Morton, Roach and Stevens - 7

Absent: Senator Haugen - 1

Excused: Senator Honeyford - 1

SUBSTITUTE HOUSE BILL NO. 2880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. On our desk we have the first supplement which listed a number of House bills that we've been voting on and as we refer to this book, we look and there is no indication in the book of testimony in the House on these bills. It tells you the summary of the bill, it tells you what the votes are in the House; but it doesn't tell you the

testimony. The testimony for or against. Normally, when we discuss bills whether they be Senate or House bills, the bill reports include the actual testimony. Now, there is one bill here in this book that does include testimony and that's the last one listed but none of the others include that description and, I might point out Mr. President, that information is important to members of the Senate in terms of helping us understand the bill, what it does, who is for it and who is against it. Could you ask the Secretary of the Senate to supply us with the testimony of these bills please?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, I would suggest that you take that up with your leadership and talk with the Secretary of the Senate yourself. There is no rule that I am aware of that states what should or should not be in that informational document. In other words, the President can not direct the Secretary of the Senate to do that."

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, I was under the impression that there is a rule that the bill reports must be on our desk before we're asked to vote on legislation. Is that not the case?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you were talking about the specifics of testimony for and against."

PARLIAMENTARY INQUIRY

Senator Benton: "Which is typically part of a bill report, Mr. President."

REPLY BY THE PRESIDENT

President Owen: "As I suggested you, you should talk to your leadership about that and possibly the Secretary of the Senate."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2583, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Conway, Hasegawa, Roberts, Appleton, Upthegrove, Morrell, Linville, Hunt, Dickerson and Ormsby)

Regarding community and technical college part-time academic employee health benefits.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1 Part-time academic employees at community and technical colleges are currently eligible for full health care benefits beginning the second consecutive quarter of

employment, at half-time or more of an academic workload, as defined in RCW 28B.50.489. They are also eligible for health benefits through the summer even if they receive no work at all that quarter, if they have worked half-time or more of an academic workload in each of the three preceding quarters. However, workload fluctuations below these thresholds may result in the loss of employer contributions for health care benefits. It is the intent of the legislature to provide for continuous health care eligibility for part-time academic employees based on averaging workload gained during the two preceding academic years.

NEW SECTION. Sec. 2 A new section is added to chapter 41.05 RCW to read as follows:

(1) Part-time academic employees, as defined in RCW 28B.50.489, who have established eligibility as determined from the payroll records of the employing community or technical college districts, for employer contributions for benefits under this chapter and who have worked an average of half-time or more in each of the two preceding academic years, through employment at one or more community or technical college districts, are eligible for continuation of employer contributions for the subsequent summer quarter period including the break between summer and fall quarters.

(2) Once a part-time academic employee meets the criteria in subsection (1) of this section, the employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least two of the three quarters of the academic year with an average academic year workload of half-time or more. Benefits provided under this section cease if this criteria is not met. Continuous benefits shall be reinstated once the employee reestablishes eligibility under subsection (1) of this section.

(3) As used in this section, "academic year" means fall, winter, and spring quarters.

(4) This section does not modify rules in existence on the effective date of this section adopted under this chapter regarding the initial establishment of eligibility for benefits.

(5) This section does not preclude individuals from being eligible for benefits under other laws or rules that may apply or for which they may be eligible.

(6) The employer must notify part-time academic employees of their potential right to benefits under this section.

(7) To be eligible for maintenance of benefits through averaging, part-time academic employees must notify their employers of their potential eligibility. The state board for community and technical colleges shall report back to the legislature by November 15, 2009, on the feasibility of eliminating the self-reporting requirement for employees.

NEW SECTION. Sec. 3 A new section is added to chapter 28B.50 RCW to read as follows:

Health care benefits for part-time academic employees are governed by section 2 of this act.

NEW SECTION. Sec. 4 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; adding a new section to chapter 28B.50 RCW; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to not adopt the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Second Substitute House Bill No. 2583.

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

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 2583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2583.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2583 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Benton - 1

Excused: Senators Haugen and Honeyford - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL 6386, and has passed the bill as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2005 c 518 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2006)	(\$30,411,000)
	\$30,244,000
General Fund--State Appropriation (FY 2007)	(\$30,900,000)
	\$30,951,000
Pension Funding Stabilization Account Appropriation	\$167,000
TOTAL APPROPRIATION	(\$61,311,000)

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\$61,362,000

The appropriations in this section are subject to the following conditions and limitations: ~~((2) \$25,000)~~ \$8,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$17,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 102. 2005 c 518 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2006) ~~((23,253,000))~~
\$23,236,000
 General Fund--State Appropriation (FY 2007) ~~((25,368,000))~~
\$25,412,000
Pension Funding Stabilization Account Appropriation \$125,000
 TOTAL APPROPRIATION ~~((48,621,000))~~
\$48,773,000

The appropriations in this section are subject to the following conditions and limitations: ~~((25,000))~~ \$8,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$17,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 103. 2005 c 518 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2006) ~~((2,531,000))~~
\$2,294,000
 General Fund--State Appropriation (FY 2007) ~~((1,953,000))~~
\$2,921,000
Pension Funding Stabilization Account Appropriation \$9,000
 TOTAL APPROPRIATION ~~((4,484,000))~~
\$5,224,000

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

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2005-07 work plan as necessary to efficiently manage workload.

(2)(a) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the basic health plan. Part 1 of the study shall examine the extent to which basic health plan policies and procedures promote or discourage the provision of appropriate, high-quality, cost-effective care to basic health plan enrollees. Issues to be addressed include, but are not limited to, whether (i) enrollees are encouraged to engage in wellness activities and receive preventative services; (ii) evidence-based treatment strategies are identified and promoted; (iii) enrollees are encouraged to use high-quality providers; (iv) enrollees with chronic or other high-cost conditions are identified and provided with appropriate interventions; and (v) innovative health care service delivery methods are encouraged. Part 1 of the study report shall be completed by December 2005.

(b) Part 2 of the study shall examine the characteristics of individuals enrolled in the basic health plan, and their use of health care services, including, but not limited to, (i) enrollee longevity on the basic health plan; (ii) circumstances that led to basic health plan enrollment; (iii) how enrollees obtained health care prior to basic health plan enrollment; (iv) health care

coverage of other household members; (v) service utilization patterns; and (vi) employment status and by whom basic health plan enrollees are employed. Part 2 of the study must be completed by July, 2006.

(3) ~~((188,000))~~ \$37,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$151,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the public infrastructure study and the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(6) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting methodology and expenditure reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the consultant costs related to the study identified in section 505 of Engrossed Second Substitute Senate Bill No. 5763 (mental disorders treatment). If this section is not enacted by June 30, 2005, these amounts shall lapse.

(8) \$86,000 of the general fund--state appropriation for fiscal year ~~((2006))~~ 2007 is provided solely to implement the provisions of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$190,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for purposes of legislative hearings

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and reporting requirements under Initiative Measure No. 900 (chapter I, Laws of 2006; performance audits).

(10) \$375,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the review of tax preferences and to staff the citizen commission for performance measurement of tax preferences required in Engrossed House Bill No. 1069 (audits of tax preferences). If Engrossed House Bill No. 1069 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$14,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the cost of conducting a review of the staffing levels for department of health investigators and attorneys involved in the health professions disciplinary process required by Substitute House Bill No. 2974 (health profession discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2007 is for a review of the state's policy on state funding and tax preferences for business incubators. The review shall examine types, costs, and performance outcomes of business incubators, inventory the business incubators in this state, and describe their purposes, state financial and tax support, number of businesses and jobs created, survival rate, criteria for state support, and the policies for reducing or terminating state support. The committee shall consult with the department of revenue and other state, federal, and local agencies involved with business incubators. The committee shall make recommendations on whether the proposals create a public or private benefit and the impact of state-supported business incubators on existing businesses in the state. The review shall be completed and submitted to the appropriate committees of the legislature by June 30, 2007.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to conduct a review of how the department of social and health services division of developmental disabilities prioritizes and allocates services.

Sec. 104. 2005 c 518 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2006) \$1,737,000
General Fund--State Appropriation (FY 2007) . ((~~\$1,921,000~~))
\$1,924,000
Pension Funding Stabilization Account Appropriation \$10,000
TOTAL APPROPRIATION . . ((~~\$3,658,000~~))
\$3,671,000

Sec. 105. 2005 c 518 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2006) \$7,288,000
General Fund--State Appropriation (FY 2007) . ((~~\$7,248,000~~))
\$7,252,000
Pension Funding Stabilization Account Appropriation \$25,000
TOTAL APPROPRIATION . ((~~\$14,536,000~~))
\$14,565,000

Sec. 106. 2005 c 518 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2006) \$4,112,000
General Fund--State Appropriation (FY 2007) . ((~~\$4,398,000~~))
\$4,401,000
Pension Funding Stabilization Account Appropriation \$20,000
TOTAL APPROPRIATION . . ((~~\$8,516,000~~))

\$8,533,000

Sec. 107. 2005 c 518 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--
State Appropriation ((~~\$3,013,000~~))
\$3,022,000

The appropriation in this section is subject to the following conditions and limitations: By December 1, 2005, the state actuary shall conduct an actuarial analysis that quantifies, to the greatest extent permissible from available experience data, the fiscal impact of the retire-rehire program for plan I of the public employees' retirement system and the teachers' retirement system enacted by chapter 10, Laws of 2001 and chapter 412, Laws of 2003. In addition to the actuarial analysis, the state actuary shall present a range of legislative alternatives to the plan I retire-rehire program, including an actuarial analysis of the fiscal impact of proposals to increase the maximum retirement allowance beyond sixty percent of average final compensation. The analysis shall be submitted to the select committee on pension policy, the senate committee on ways and means, and the house of representatives committee on appropriations.

Sec. 108. 2005 c 518 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2006) . ((~~\$6,085,000~~))
\$6,095,000
General Fund--State Appropriation (FY 2007) . ((~~\$6,346,000~~))
\$6,397,000
Pension Funding Stabilization Account Appropriation \$37,000
TOTAL APPROPRIATION . ((~~\$12,431,000~~))
\$12,529,000

Sec. 109. 2005 c 518 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2006) \$1,055,000
General Fund--State Appropriation (FY 2007) . ((~~\$1,107,000~~))
\$1,109,000
Pension Funding Stabilization Account Appropriation \$5,000
TOTAL APPROPRIATION . . ((~~\$2,162,000~~))
\$2,169,000

Sec. 110. 2005 c 518 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2006) . ((~~\$2,011,000~~))
\$2,013,000
General Fund--State Appropriation (FY 2007) . ((~~\$2,020,000~~))
\$2,024,000
Pension Funding Stabilization Account Appropriation \$5,000
TOTAL APPROPRIATION . . ((~~\$4,031,000~~))
\$4,042,000

Sec. 111. 2005 c 518 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2006) ((~~\$13,866,000~~))
\$13,916,000
General Fund--State Appropriation (FY 2007) ((~~\$14,358,000~~))
\$14,393,000
Pension Funding Stabilization Account Appropriation \$80,000

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TOTAL APPROPRIATION . ~~(\$28,224,000)~~
\$28,389,000

Sec. 112. 2005 c 518 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2006) ~~(\$19,657,000)~~
\$19,834,000
 General Fund--State Appropriation (FY 2007) ~~(\$20,081,000)~~
\$21,298,000
 Public Safety and Education Account--State
 Appropriation ~~(\$50,106,000)~~
\$50,277,000
 Judicial Information Systems Account--State
 Appropriation ~~(\$25,641,000)~~
\$26,051,000
Pension Funding Stabilization Account
Appropriation \$96,000
 TOTAL APPROPRIATION ~~(\$115,485,000)~~
\$117,556,000

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

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

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

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and

ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$569,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the juror pay pilot and research project.

Sec. 113. 2005 c 518 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2006) . ~~(\$1,490,000)~~
\$1,565,000
 General Fund--State Appropriation (FY 2007) . ~~(\$2,078,000)~~
\$9,928,000
 Public Safety and Education Account--State
 Appropriation ~~(\$13,175,000)~~
\$13,181,000
 TOTAL APPROPRIATION . ~~(\$16,743,000)~~
\$24,674,000

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

(1) \$800,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$1,000,000)~~ \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the parent representation project in dependency and termination cases.

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(3) Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).

Sec. 114. 2005 c 518 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2006) . ~~(\$2,883,000)~~
\$3,083,000
 General Fund--State Appropriation (FY 2007) . ~~(\$2,832,000)~~
\$3,232,000
 Public Safety and Education Account--State
 Appropriation \$4,705,000
 Violence Reduction and Drug Enforcement Account--
 State Appropriation \$2,987,000
 TOTAL APPROPRIATION . ~~(\$13,407,000)~~
\$14,007,000

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

~~(1) \$2,783,000 of the general fund--state appropriation for fiscal year 2006, \$2,732,000 of the general fund--state appropriation for fiscal year 2007, \$4,705,000 of the public safety and education account--state appropriation, and \$2,987,000 of the violence reduction and drug enforcement~~

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account--state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.

~~(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.)~~

Sec. 115. 2005 c 518 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2006)	\$5,600,000
General Fund--State Appropriation (FY 2007)	(\$5,279,000)
	\$5,583,000
General Fund--Federal Appropriation	(\$1,364,000)
	\$1,366,000
Oil Spill Prevention Account Appropriation	\$508,000
Water Quality Account--State Appropriation	(\$4,184,000)
	\$4,193,000
<u>Salmon Recovery Account Appropriation</u>	
.	\$160,000
<u>Economic Development Strategic Reserve</u>	
<u>Account Appropriation</u>	
.	\$4,000,000
<u>Pension Funding Stabilization Account</u>	
<u>Appropriation</u>	\$24,000
TOTAL APPROPRIATION	(\$16,935,000)
	\$21,434,000

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

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2006, \$200,000 of the general fund--state appropriation for fiscal year 2007, and \$200,000 of the general fund--federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(7) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as a grant to the Hood Canal Coordinating Council to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). (~~If Engrossed Substitute House Bill~~

No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.)

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a review of ocean policy issues in cooperation with individuals with appropriate expertise and the departments of ecology, fish and wildlife, and natural resources. By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation. By December 31, 2006, the governor's office shall provide a report: (a) Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability; (b) recommending improvements in coordination among state agencies and other jurisdictions; (c) recommending measures to protect and manage ocean resources; (d) recommending measures to finance ocean protection, management, and development programs; and (e) recommending legislation regarding ocean resources or policy.

(8) \$508,000 of the oil spill prevention account appropriation is provided solely for the oil spill advisory council established in Engrossed Substitute Senate Bill No. 5432 (oil spill oversight council). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) The economic development strategic reserve account appropriation is provided solely for the purpose of implementing chapter 427, Laws of 2005 (2SSB 5370).

(10)(a) \$297,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Puget Sound action team in coordination with the Hood Canal coordinating council to contract for the initial phase of a two-part study in the Hood Canal to: (i) Improve data and knowledge of the loading of nitrogen from on-site sewage systems to ground water; (ii) determine the local scale efficiency of nitrogen removal from on-site sewage systems; and (iii) improve data and knowledge of the loading of nitrogen from all ground water sources to Hood Canal.

(b) The study shall: (i) Locate representative on-site sewage systems distributed within the Hood Canal drainage basin for use in the study; (ii) collect water levels and samples from the areas around a number of on-site sewage systems under a variety of water table, soil, and geologic conditions; (iii) test samples for nitrogen, phosphorous, carbon, and other pertinent chemistry; (iv) consider water levels and samples from monitoring wells both up gradient and down gradient from on-site sewage systems; (v) collect data from drain fields to test on-site sewage system efficiency; and (vi) collect water level, nutrient, and other chemical data from a number of existing wells in the watershed to test how much nitrogen is reaching Hood Canal. The study shall be coordinated with other studies being conducted in Hood Canal through the Hood Canal dissolved oxygen program. The Puget Sound action team and the Hood Canal coordinating council shall report their finding and recommendations to the appropriate committees of the legislature by December 1, 2007.

Sec. 116. 2005 c 518 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2006)	\$752,000
General Fund--State Appropriation (FY 2007)	(\$766,000)
	\$768,000
(General Fund--Local Appropriation	\$1,000)
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$3,000</u>
TOTAL APPROPRIATION	(\$1,519,000)
	\$1,523,000

Sec. 117. 2005 c 518 s 118 (uncodified) is amended to read as follows:

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FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2006)	(\$1,989,000)
	\$1,999,000
General Fund--State Appropriation (FY 2007)	(\$2,009,000)
\$2,069,000 Pension Funding Stabilization Account	
<u>Appropriation</u>	\$10,000
TOTAL APPROPRIATION	(\$3,998,000)
	\$4,078,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$56,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Third Substitute House Bill No. 1226 (campaign contribution limits). If Third Substitute House Bill No. 1226 is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 118. 2005 c 518 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2006) ((\$19,102,000))	
	\$21,593,000
General Fund--State Appropriation (FY 2007) ((\$17,323,000))	
	\$18,473,000
General Fund--Federal Appropriation	(\$7,092,000)
	\$7,099,000
General Fund--Private/Local Appropriation	(\$125,000)
	\$207,000
Archives and Records Management Account--State	
Appropriation	(\$8,127,000)
	\$8,210,000
Department of Personnel Services Account--State	
Appropriation	(\$719,000)
	\$721,000
Local Government Archives Account--State	
Appropriation	(\$12,138,000)
	\$12,398,000
Election Account--Federal Appropriation	(\$47,009,000)
\$53,010,000 Pension Funding Stabilization Account	
<u>Appropriation</u>	\$66,000
TOTAL APPROPRIATION ((\$111,635,000))	
	\$121,777,000

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

(1) (~~(\$2,296,000)~~) \$3,472,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) (~~(\$1,999,000)~~) \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and (~~(\$2,063,772)~~) \$2,382,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the

contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

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

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

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

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

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

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

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al.*, United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.

(7) \$131,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 119. 2005 c 518 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$277,000
General Fund--State Appropriation (FY 2007)	(\$289,000)
\$292,000 Pension Funding Stabilization Account--State	
<u>Appropriation</u>	\$1,000
TOTAL APPROPRIATION	(\$566,000)
	\$570,000

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

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Sec. 120. 2005 c 518 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$235,000
General Fund--State Appropriation (FY 2007)	(\$238,000)
<u>Pension Funding Stabilization Account</u>	<u>\$264,000</u>
<u>Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	(\$473,000)
	\$500,000

Sec. 121. 2005 c 518 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation	(\$14,124,000)
	\$14,174,000

Sec. 122. 2005 c 518 s 123 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2006)	(\$1,884,000)
	\$1,258,000
General Fund--State Appropriation (FY 2007)	(\$2,441,000)
	\$351,000
State Auditing Services Revolving Account--State	
Appropriation	(\$13,952,000)
	\$14,011,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(\$18,277,000)
	\$15,624,000

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

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

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) ~~(\$1,130,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2006 (~~(\$1,695,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account--state appropriation for fiscal year 2006 are)~~) is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government

performance). ~~((If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

Sec. 123. 2005 c 518 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2006)	\$137,000
General Fund--State Appropriation (FY 2007)	(\$206,000)
	\$207,000
TOTAL APPROPRIATION	(\$343,000)
	\$344,000

Sec. 124. 2005 c 518 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2006)	(\$5,223,000)
	\$5,724,000
General Fund--State Appropriation (FY 2007)	(\$5,156,000)
	\$5,844,000
General Fund--Federal Appropriation	(\$2,973,000)
	\$3,428,000
Public Safety and Education Account--State	
Appropriation	(\$2,303,000)
	\$2,307,000
New Motor Vehicle Arbitration Account--State	
Appropriation	(\$1,313,000)
	\$1,315,000
Legal Services Revolving Account--State	
Appropriation	(\$185,970,000)
	\$191,627,000
Tobacco Prevention and Control Account--State	
Appropriation	\$270,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$21,000</u>
TOTAL APPROPRIATION	(\$203,208,000)
	\$210,536,000

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

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

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

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Sec. 125. 2005 c 518 s 126 (unmodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	.....	\$719,000
General Fund--State Appropriation (FY 2007)	...	(\$714,000)
		\$716,000 Pension Funding Stabilization Account
<u>Appropriation</u>		<u>\$4,000</u>
	TOTAL APPROPRIATION	.. (\$1,433,000)
		<u>\$1,439,000</u>

Sec. 126. 2005 c 518 s 127 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006)	(\$66,123,000)	
		\$67,758,000
General Fund--State Appropriation (FY 2007)	(\$67,151,000)	
		\$60,229,000
General Fund--Federal Appropriation	.....	(\$246,886,000)
		\$258,085,000
General Fund--Private/Local Appropriation	..	(\$12,229,000)
		<u>\$12,422,000</u>
Public Safety and Education Account--State		
Appropriation	.....	(\$5,439,000)
		<u>\$5,443,000</u>
Public Works Assistance Account--State		
Appropriation	.....	(\$3,395,000)
		<u>\$3,430,000</u>
Tourism Development and Promotion Account		
Appropriation	.....	\$300,000
Drinking Water Assistance Administrative Account--		
State Appropriation	.....	(\$213,000)
		<u>\$345,000</u>
Lead Paint Account--State Appropriation	.....	\$6,000
Building Code Council Account--State Appropriation	.....	(\$1,130,000)
		<u>\$1,133,000</u>
Administrative Contingency Account--State		
Appropriation	.....	(\$1,808,000)
		<u>\$1,809,000</u>
Low-Income Weatherization Assistance Account--State		
Appropriation	.....	\$8,362,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation	.....	(\$7,231,000)
		<u>\$7,234,000</u>
Manufactured Home Installation Training Account--State		
Appropriation	.....	\$240,000
Community and Economic Development Fee Account--State		
Appropriation	.....	\$1,570,000
Washington Housing Trust Account--State		
Appropriation	.....	(\$19,009,000)
		<u>\$33,536,000</u>
Homeless Families Services Account--State		
Appropriation	.....	\$300,000
Public Facility Construction Loan Revolving		
Account--State Appropriation	.....	(\$614,000)
		\$616,000 Pension Funding Stabilization Account
<u>Appropriation</u>		<u>\$87,000</u>
	TOTAL APPROPRIATION	(\$442,006,000)
		<u>\$462,905,000</u>

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

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall

not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

(a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$20,000 to the department for tribal law enforcement;

(e) \$345,000 to the department to continue domestic violence legal advocacy;

(f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

(h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;

(i) \$97,000 to the department to continue evaluation of this grant program;

(j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

(a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;

(d) \$110,000 to the department to support the governor's council on substance abuse;

(e) \$97,000 to the department to continue evaluation of the justice assistance grant program;

(f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$1,658,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for multijurisdictional drug task forces. The funding for this amount, and the amounts

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provided in subsection (3)(a) and (b) of this section, will be distributed in a manner so that all drug task forces funded in fiscal year 2004 will receive funding in fiscal year 2007 at amounts similar to the amounts received in fiscal year 2004.

~~(5)~~ \$170,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$170,000)~~ \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

~~((+))~~ ~~(6)~~ \$28,848,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$29,941,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for providing early childhood education assistance. Of ~~(these)~~ this amount~~(s)~~, \$1,497,000 ~~(in each fiscal year)~~ is provided solely to increase the number of children receiving education, and \$1,052,000 ~~(in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are)~~ is provided solely for a targeted vendor rate increase.

~~((5))~~ (7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

~~((6))~~ (8) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

~~((7))~~ (9) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

~~((8) \$500,000)~~ (10) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$500,000)~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

~~((9))~~ (11) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

~~((10))~~ (12) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

~~((11))~~ (13) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

~~((12))~~ (14) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

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~~((13))~~ (15) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

~~((14))~~ (16) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

~~((15))~~ (17) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

~~((16))~~ (18) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

~~((17) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development)~~ (19) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

~~((18))~~ (20) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

~~((19))~~ (21) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

~~((20))~~ (22) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

~~((21))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

~~((22))~~ (24) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

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(26) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing statewide sexual assault services.

(27) \$96,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Olympic loop of the great Washington state birding trail.

(28) \$529,000 of the general fund--federal appropriation is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(29) \$150,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to assist the suburban cities association, King county, and the cities of Seattle and Bellevue to comply with the most acute buildable lands needs countywide. Of this amount, \$50,000 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(30) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(31) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(32) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(34) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(35) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(36) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(37) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(38) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of

Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(42) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Third Substitute House Bill No. 1815 (small business incubators). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(43) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(44) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the developmental disabilities council to contract for legal services for individuals with developmental disabilities who are served or are entering the community protection program in the department of social and health services division of developmental disabilities. Funding shall be prioritized for those individuals who do not have paid legal guardians, but is available to all community protection clients, subject to available funds.

(45) \$100,000 of the fiscal year 2006 general fund--state appropriation is provided solely for tourism branding and marketing associated with the January 2007 United States figure skating championships in Spokane. It is the intent of the legislature to provide an additional \$500,000 during the 2007-09 fiscal biennium for the payment of one-half of the hosting fee if Spokane is designated as the host city of the 2009 world figure skating championships. The funds provided under this section are contingent on an equal amount of matching funds from nonstate sources.

(46) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Pacific northwest economic region as matching funds for use in the development and operation of a regional tourism initiative in coordination with the department and consistent with the governor's initiatives on marketing, tourism, and trade. The department and the Pacific northwest economic region will jointly establish appropriate deliverables. The first \$25,000 of this amount will be released when the Pacific northwest economic region has secured at least \$75,000 in funding from other public and private sources. The final \$25,000 of this amount will be released when the Pacific northwest economic region has secured an additional \$75,000 in funding from other public and private sources. A minimum of 25 percent of the matching funds raised by the Pacific northwest economic region for the initiative shall be from private sources.

(47) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the international trade alliance of Spokane to partnership with other regional governments to strengthen and diversify the regional economy.

(48) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to contract for a study that will provide recommendations on a small harbor dredging cooperative among the port districts of Pacific County and Wahkiakum County. The recommendations shall include options for an organizational framework, as well as the long-term financing of the cooperative.

(49) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific-Algonia senior center, a nonprofit food program serving low-income seniors.

(50) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the northwest Korean sports and cultural festival.

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(51) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to allow Washington state tribes to continue participation in the *Forest and Fish Report* currently out for public comment as a habitat conservation plan under the endangered species act. In the event federal funding is reinstated, the amount provided in this subsection shall lapse.

(52) \$5,000 of the general fund--state appropriation for fiscal year 2006 is provided for Tacoma's international music festival.

(53) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Mimms Academy in Tacoma to facilitate a pilot project concerning expelled and suspended students.

(54) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the King county sexual assault resource center to provide for a Spanish-speaking therapist position, parent/child victim education, and prevention education.

(55) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a study of methamphetamine action teams and drug task forces as provided by Engrossed Substitute Senate Bill No. 6239, sections 110 and 204 (controlled substances). The department shall report findings and recommendations to the legislature by November 1, 2006. If the bill is not enacted by June 30, 2006, the amount provided in this section shall lapse.

(56) \$84,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for distribution to Benton and Franklin counties to continue the Benton-Franklin juvenile drug court program. The counties shall provide an equivalent amount of matching funds.

(57) \$7,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the owners of the following minor league baseball facilities for major and minor restoration and repair of facilities projects: Tacoma Rainiers (\$2,500,000); Spokane Indians (\$2,000,000); Tri-Cities Dust Devils (\$1,000,000); Yakima Bears (\$750,000); and Everett AquaSox (\$750,000). The department shall not retain any portion for administrative purposes.

(58) \$40,000 of the fiscal year 2006 general fund--state appropriation and \$1,510,000 of the fiscal year 2007 general fund--state appropriation are provided solely for the department to enter into funding agreements with the mountains to sound greenway trust to accomplish the following projects: Squak mountain trail upgrades; Tiger mountain trailhead and trails upgrades; Rattlesnake mountain trail and trailhead construction; greenway legacy planning; Snoqualmie point view park construction; and state route 18/interstate 90 interchange protection.

(59) \$149,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to implement a human trafficking task force as described in section 1 of Substitute Senate Bill No. 6652 (human trafficking), authorizing a task force through June 30, 2011, to provide guidance in responding to the crime of human trafficking, and in providing services to human trafficking victims.

(60) \$140,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5330 (economic development grants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(61) \$200,000 of the general fund--state appropriation for fiscal year 2007 and \$197,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the long-term care ombudsman program within the department of community, trade, and economic development to recruit and train volunteers to serve in the adult family home setting.

(62) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Enumclaw loggers monument.

(63) \$265,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6330 (the Washington trade corps fellowship program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 127. 2005 c 518 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006) . . .	(\$573,000)
	\$579,000
General Fund--State Appropriation (FY 2007) . . .	(\$517,000)
	\$523,000
Pension Funding Stabilization Account	
Appropriation	\$3,000
TOTAL APPROPRIATION . . .	(\$1,090,000)
	\$1,105,000

Sec. 128. 2005 c 518 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2006)	(\$16,993,000)
	\$17,775,000
General Fund--State Appropriation (FY 2007)	(\$16,050,000)
	\$20,080,000
General Fund--Federal Appropriation	(\$23,550,000)
	\$23,555,000
General Fund--Private/Local	
Appropriation	\$1,216,000
Public Works Assistance Account--State	\$200,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$246,000
State Auditing Services Revolving Account--State	
Appropriation	\$25,000
Pension Funding Stabilization Account	\$100,000
TOTAL APPROPRIATION . . .	(\$57,064,000)
	\$63,197,000

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

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) ~~(\$182,000)~~ \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group

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shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse. The legislature directs that the funding review by the Washington Learns steering committee authorized in Engrossed Second Substitute Senate Bill No. 5441 include a thorough review of funding for classified school employees and that the Washington Learns steering committee report findings and recommendations that include recommendations on how classified school employees can enhance students' abilities to meet state learning standards.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed

health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

(10) The office of financial management shall prepare a report on state-purchased health care costs and expenditures. The report shall analyze the growth in state-purchased health care costs over the last five biennia and compare growth to other state expenditures and state revenues. The report shall propose options for funding the increases in state-funded health care, along with options for adjusting or containing state-funded health care expenditures within a constant portion of total estimated revenues.

(11) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

(13) \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$134,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish and provide staff support and technical assistance to the blue ribbon commission on health care costs and access. The commission shall consist of the governor or a designee, who shall serve as chair; two members from each of the four caucuses of the legislature; the insurance commissioner or a designee; the secretary of health; the administrator of the health care authority; the assistant secretary for health and recovery services in the department of social and health services; and the assistant director for insurance services in the department of labor and industries. By December 1, 2006, the commission shall recommend to the governor and legislature a sustainable five-year plan for substantially improving access to affordable health care for all Washington residents.

Sec. 129. 2005 c 518 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
Appropriation ((~~\$29,490,000~~))
\$29,595,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative

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hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

Sec. 130. 2005 c 518 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State	
Appropriation	((\$20,323,000))
	\$26,888,000
Higher Education Personnel Services Account--State	
Appropriation	((\$1,634,000))
	\$1,656,000
TOTAL APPROPRIATION	((\$21,957,000))
	\$28,544,000

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

Sec. 131. 2005 c 518 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation	
.....	((\$24,087,000))
	\$24,160,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

(2) The appropriation in this section may be used for research to support the efforts of the select committee on gambling policy as provided in Senate Concurrent Resolution No. 8417. If the resolution is not enacted by June 30, 2006, this subsection shall lapse.

Sec. 132. 2005 c 518 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2006)	\$238,000
General Fund--State Appropriation (FY 2007)	((\$247,000))
	\$248,000
<u>Pension Funding Stabilization Account</u>	
<u>Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	((\$485,000))
	\$487,000

Sec. 133. 2005 c 518 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$237,000
General Fund--State Appropriation (FY 2007)	((\$240,000))
	\$241,000
<u>Pension Funding Stabilization Account</u>	
<u>Appropriation</u>	<u>\$1,000</u>

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TOTAL APPROPRIATION	((\$477,000))
	\$479,000

Sec. 134. 2005 c 518 s 135 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State	
Appropriation	((\$1,043,000))
	\$1,119,000

Sec. 135. 2005 c 518 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State	
Appropriation	((\$416,000))
	\$413,000
Department of Retirement Systems Expense Account--	
State Appropriation	((\$45,056,000))
	\$46,176,000
TOTAL APPROPRIATION	((\$45,472,000))
	\$46,589,000

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

(1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).

(2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).

(6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).

(7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6453 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

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(10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 136. 2005 c 518 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

General Fund--State Appropriation (FY 2007)	.....	\$300,000
State Investment Board Expense Account--State Appropriation	.....	(\$16,020,000)
		\$16,123,000
TOTAL APPROPRIATION	...	\$16,423,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to perform an evaluation of the department of natural resources' commercial lands program and review and recommend changes to the investment strategy of state permanent funds. The review of the commercial lands program shall examine:

- (1) Acquisition underwriting procedures;
- (2) Property management post-acquisition;
- (3) Portfolio construction and management strategy;
- (4) Cost structure of the program;
- (5) Performance and appropriateness of the program's investments to date; and
- (6) Examination of alternatives to the current program.

Sec. 137. 2005 c 518 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2006)	(\$90,065,000)
	\$90,302,000
General Fund--State Appropriation (FY 2007)	(\$91,207,000)
	\$92,647,000
Timber Tax Distribution Account--State Appropriation	.....
	(\$5,609,000)
\$5,627,000 Real Estate Excise Tax Grant Account--State Appropriation	.....
	\$3,900,000
Waste Reduction/Recycling/Litter Control--State Appropriation	.....
	\$108,000
State Toxics Control Account--State Appropriation	..
	\$73,000
Oil Spill Prevention Account--State Appropriation	...
	\$14,000
Pension Funding Stabilization Account Appropriation	\$447,000
TOTAL APPROPRIATION	(\$187,076,000)
	\$193,118,000

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

(1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 (~~(\$~~) and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties). (~~If Engrossed House Bill No. 1241 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.~~)

(4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the department to employ strategies to enhance current revenue enforcement activities.

(5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.

(6) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$89,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(7) \$147,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace) or for Second Substitute Senate Bill No. 6604 (tax relief for aerospace). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$193,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief) or Substitute Senate Bill No. 6385 (excise tax relief). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(11) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6594 (streamlined sales tax). If Substitute Senate Bill No. 6594 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 138. 2005 c 518 s 139 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2006) \$1,362,000
 General Fund--State Appropriation (FY 2007) ~~(\$1,211,000)~~
\$1,213,000 Pension Funding Stabilization Account
Appropriation \$6,000
 TOTAL APPROPRIATION ~~(\$2,573,000)~~
\$2,581,000

Sec. 139. 2005 c 518 s 140 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation \$787,000
 City and Town Research Services Account--State
 Appropriation \$4,134,000
Special Purpose District Research Services
Account--State Appropriation \$300,000
 TOTAL APPROPRIATION ~~(\$4,921,000)~~
\$5,221,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the special purpose district research services account appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6555 (special purpose districts). If Substitute Senate Bill No. 6555 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 140. 2005 c 518 s 141 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation ~~(\$3,186,000)~~
\$3,196,000

The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

Sec. 141. 2005 c 518 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2006) \$321,000
 General Fund--State Appropriation (FY 2007) ~~(\$233,000)~~
\$359,000
 General Fund--Federal Appropriation ~~(\$3,640,000)~~
\$3,641,000
 General Administration Service Account--State
 Appropriation ~~(\$32,045,000)~~
\$32,163,000 Pension Funding Stabilization Account
Appropriation \$1,000
 TOTAL APPROPRIATION ~~(\$36,239,000)~~
\$36,485,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006 (~~is~~) and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 142. 2005 c 518 s 143 (uncodified) is amended to read as follows:

General Fund--State Appropriation (FY 2007)
 \$1,500,000 General Fund--Federal Appropriation \$350,000
 Data Processing Revolving Account--State
 Appropriation ~~(\$3,612,000)~~
\$3,621,000
 Public Safety and Education Account--State
 Appropriation \$684,000
 TOTAL APPROPRIATION ~~(\$4,296,000)~~
\$6,155,000

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the operations of the digital learning commons. By September 1, 2006, the digital learning commons shall develop and implement a plan to become a self-supporting operation. The plan implemented shall allow for the digital learning commons to be entirely supported by user fees and private contributions by September 1, 2008.

Sec. 143. 2005 c 518 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation ~~(\$673,000)~~
\$1,513,000
 Insurance Commissioners Regulatory Account--State
 Appropriation ~~(\$40,253,000)~~
\$41,587,000
 TOTAL APPROPRIATION ~~(\$40,926,000)~~
\$43,100,000

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

(1) \$42,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute House Bill No. 2553 (service contracts). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$685,000 of the insurance commissioners regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 6234 (antifraud unit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 144. 2005 c 518 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State
 Appropriation ~~(\$1,962,000)~~
\$2,236,000

Sec. 145. 2005 c 518 s 146 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation ~~(\$282,000)~~
\$283,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

Sec. 146. 2005 c 518 s 147 (uncodified) is amended to read as follows:

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FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State
Appropriation ~~(\$5,009,000)~~
\$5,027,000

Sec. 147. 2005 c 518 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2006) \$1,739,000
General Fund--State Appropriation (FY 2007) . ~~(\$1,706,000)~~
\$1,720,000

Liquor Control Board Construction and Maintenance
Account--State Appropriation \$12,832,000
Liquor Revolving Account--State Appropriation
. ~~(\$154,080,000)~~

\$159,863,000Pension Funding Stabilization Account
Appropriation \$7,000

TOTAL APPROPRIATION ~~(\$170,357,000)~~
\$176,161,000

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

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support

of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$1,864,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6823 (distribution of beer and wine). If Second Substitute Senate Bill No. 6823 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$575,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6537 (direct wine sales). If Engrossed Senate Bill No. 6537 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 148. 2005 c 518 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State
Appropriation ~~(\$28,436,000)~~
\$28,707,000

Pipeline Safety Account--State Appropriation . . ~~(\$2,877,000)~~
\$2,894,000

Pipeline Safety Account--Federal Appropriation ~~(\$1,535,000)~~
\$1,539,000

TOTAL APPROPRIATION . ~~(\$32,848,000)~~
\$33,140,000

Sec. 149. 2005 c 518 s 150 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
Administrative Account--State Appropriation . ~~(\$768,000)~~
\$980,000

Sec. 150. 2005 c 518 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2006) ~~(\$10,084,000)~~
\$10,137,000

General Fund--State Appropriation (FY 2007) . ~~(\$9,362,000)~~
\$15,037,000

General Fund--Federal Appropriation ~~(\$165,970,000)~~
\$214,322,000

General Fund--Private/Local Appropriation \$2,000
Enhanced 911 Account--State Appropriation . ~~(\$34,766,000)~~
\$34,812,000

Disaster Response Account--State Appropriation ~~(\$2,277,000)~~
\$1,664,000

Disaster Response Account--Federal Appropriation
. ~~(\$11,008,000)~~
\$6,297,000

Worker and Community Right-to-Know Account--State
Appropriation ~~(\$314,000)~~

	<u>\$315,000</u>
Nisqually Earthquake Account--State Appropriation	
.....	(\$6,713,000)
	<u>\$6,531,000</u>
Nisqually Earthquake Account--Federal Appropriation	
.....	(\$29,127,000)
	<u>\$27,075,000</u>
Military Department Rental and Lease Account--State	
Appropriation	\$378,000
Pension Funding Stabilization Account Appropriation	\$44,000
TOTAL APPROPRIATION	(\$270,001,000)
	<u>\$316,614,000</u>

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

(1) ~~(\$2,277,000)~~ \$1,664,000 of the disaster response account--state appropriation and ~~(\$11,008,000)~~ \$6,297,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ~~(\$6,713,000)~~ \$6,531,000 of the Nisqually earthquake account--state appropriation and ~~(\$29,127,000)~~ \$27,075,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) ~~(\$127,586,000)~~ \$173,613,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security

revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7)(a) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department for administration of competitive grants detailed in (b) of this subsection and for implementation of one or more of the following activities regarding emergency management: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; and administrating periodic joint emergency management training exercises involving the military department and other state agencies. In addition, the military department will study the feasibility of having regional disaster medical assistance teams and urban search and rescue teams available within the state to be deployed by the governor. The military department will report the findings and recommendations to the legislature by December 1, 2006.

(b) \$1,600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to allocate grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations. The grants shall be for one or more of the following purposes and distributed on a competitive basis: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administration of periodic joint emergency management training exercises; and implementation of projects that will strengthen emergency response, mitigation, preparation, and coordination.

(8)(a) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to: (i) Initiate a health registry for veterans and military personnel returning from Afghanistan, Iraq, or other countries in which depleted uranium or other hazardous materials may be found; (ii) develop a plan for outreach to and follow-up of military personnel; (iii) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; (iv) submit a report by October 1, 2006, to the joint veterans and military affairs committee on the scope and adequacy of training received by members of the Washington national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium, including an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances; and (v) study the health effects of hazardous materials exposure including, but not limited to, depleted

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TOTAL APPROPRIATION . . . ~~(\$2,559,000)~~
\$2,527,000

(End of part)

**PART II
HUMAN SERVICES**

Sec. 155. 2005 c 518 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2006, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2006 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act and family reconciliation services appropriations for the children and family services program in section 202(20) of this act, after approval by the director of financial management.

(c) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

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(4) The department is authorized to expend up to \$4,700,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington Medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the Medicaid and Medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

~~(4)~~ (6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

Sec. 156. 2005 c 518 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$251,005,000)
	\$257,266,000
General Fund--State Appropriation (FY 2007)	(\$266,350,000)
	\$287,602,000
General Fund--Federal Appropriation	(\$421,401,000)
	\$433,829,000
General Fund--Private/Local Appropriation	\$400,000
<u>Domestic Violence Prevention Account--State</u>	
Appropriation	\$1,345,000
Public Safety and Education Account--State	
Appropriation	(\$10,754,000)
	\$6,405,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	(\$1,510,000)
	\$5,860,000
Pension Funding Stabilization Account--State	
Appropriation	\$699,000
TOTAL APPROPRIATION	(\$951,420,000)
	\$993,406,000

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

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state

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appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year ~~(2004)~~ 2006 and \$125,000 of the general fund--state appropriation for fiscal year ~~(2005)~~ 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) ~~(\$3,837,000)~~ \$4,661,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$6,352,000)~~ \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$4,370,000)~~ \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including ~~(30-day)~~ improvement in achieving face-to-face contact for children ~~(in out-of-home care)~~ every 30 days, improved timeliness of child protective services investigations, ~~(an enhanced in-home child welfare services program;)~~ and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

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(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$178,000)~~ \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 ~~(-\$572,000)~~ and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 ~~(-\$ and \$1,144,000 of the general fund--federal appropriation)~~ are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) \$3,500,000 of the general fund--state appropriation for fiscal year 2007 and \$1,500,000 of the general fund--federal appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.

(14) \$1,345,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely for a statewide foster parent recruitment and retention program pursuant to Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$3,700,000 of the general fund--state appropriation for fiscal year 2006, \$3,700,000 of the general fund--state appropriation for fiscal year 2007, and \$6,200,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as

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long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(20) \$540,000 of the general fund--state appropriation for fiscal year 2006, \$540,000 of the general fund--state appropriation for fiscal year 2007, and \$2,476,000 of the general fund--federal appropriation are provided solely for the category of services titled "family reconciliation services."

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for continuum of care in Region 1.

Sec. 157. 2005 c 518 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	(\$78,552,000)
	\$79,031,000
General Fund--State Appropriation (FY 2007)	(\$81,760,000)
	\$80,615,000
General Fund--Federal Appropriation	(\$5,998,000)
	\$5,668,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	(\$5,621,000)
\$5,516,000 Pension Funding Stabilization Account--State	
Appropriation	\$449,000
TOTAL APPROPRIATION	(\$211,414,000)
	\$210,762,000

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

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation

administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

~~((c) \$248,000 of the general fund--state appropriation for fiscal year 2006 and \$496,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to~~

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~~reimburse counties for local juvenile disposition alternatives implemented pursuant to House Bill No. 2073 (juvenile sentencing) and Senate Bill No. 5719 (community commitment). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection, and negotiate contracts that would avoid the cost of a youth kept in the community costing more than serving the youth in a juvenile rehabilitation institution and parole program on an average daily population basis. The juvenile rehabilitation administration may adjust the funding level provided in this subsection in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriation to the juvenile rehabilitation administration in this section. The juvenile rehabilitation administration shall report to the appropriate policy and fiscal committees of the legislature on the use of the disposition alternatives and revocations by December 1, 2006. If either bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.)~~

Sec. 158. 2005 c 518 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006)	(\$261,430,000)
	\$260,292,000
General Fund--State Appropriation (FY 2007)	(\$269,285,000)
	\$283,039,000
General Fund--Federal Appropriation	(\$336,771,000)
	\$344,331,000
General Fund--Private/Local Appropriation	\$1,970,000
TOTAL APPROPRIATION	(\$869,456,000)
	\$889,632,000

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

~~((b))~~ (a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$103,400,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for persons and services not covered by the medicaid program. The department shall distribute ~~(these amounts)~~ this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population. ~~(In consultation with regional support networks and other interested groups, the department shall report to the joint legislative and executive task force by September 2006 on options for modifying the allocation formula to assure equitable statewide access to essential nonmedicaid services.~~

~~(c))~~ (b) \$100,959,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) \$10,882,000 of the general fund--state appropriation for fiscal year 2007 and \$10,922,000 of the general fund--federal

appropriation are provided solely to increase medicaid capitation rates (i) by three and one-half percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level. Regional support networks may elect to receive all or a portion of the general fund--state share of the funding for which they qualify under this subsection (1)(c) as an increase in nonmedicaid rather than medicaid funding. Regional support networks choosing to obtain funding in this way must notify the department of their decision no later than June 1, 2006.

(d) \$359,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to hospitals that are unable to receive disproportionate share hospital funding due to the federal funding restrictions on "institutions for mental disease." These funds shall be allocated among eligible hospitals proportional to the amount the hospital would have received from the disproportionate share hospital grants funded under section 209 of this 2006 act if the federal funding restriction were not in effect.

(f) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a contract with the national alliance for the mentally ill of greater Seattle to assist people who are recovering from a major mental illness to participate in development of a group residence for women.

(g) \$2,825,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to refund to regional support networks fifty percent of the "liquidated damages" amount that was withheld from payments to the regional support network during fiscal years 2002 through 2005 because the regional support network used more than its allocated number of state hospital days of care. The payments directed in this subsection (1)(g) are contingent upon agreement by the regional support network that the funds shall be used only for mental health services. The payments directed in this subsection do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this 2006 act.

(h) The department shall refund to the regional support networks 100 percent of the "liquidated damages" that have been withheld from payments to the regional support network during fiscal year 2006 for periods prior to the effective date of this act. The payments directed in this subsection (1)(h) do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this act.

(i) \$3,238,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(j) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall average 222 per day throughout fiscal year 2007. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall average 727 during the first quarter of fiscal year 2007, 757 during the second quarter of fiscal year 2007, and 777 during the third and fourth quarters of fiscal year 2007. During fiscal year 2007, the department shall not separately charge regional support networks for use of state

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hospital beds for short-term commitments, or for persons served in the program for adaptive living skills (PALS), but the days of care provided for such commitments and in the PALS program shall count against the regional support network's state hospital allocation. The legislature intends to authorize separate charges for the PALS program beginning in January 2008.

(k) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

((f)) (l) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

((e)) (m) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

((f)) (n) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

~~((g)) \$2,146,000 of the general fund--state appropriation for fiscal year 2006, \$4,408,000 of the general fund--state appropriation for fiscal year 2007, and \$4,559,000 of the general fund--federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that: Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in every rate category. If such amounts are not sufficient to ensure compliance, funds provided in this subsection (1)(g) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.~~

~~((h)) (o) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed~~

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\$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

((f)) (p) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

((f)) (q) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

((f)) (r) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

((f)) (s) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

((f)) (t) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

((f)) (u) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

((f)) (v) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for ~~((a pilot project that provides integrated care through a facility specializing in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised. This project is to be implemented in coordination with and under the auspices of a regional support network))~~ enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for

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people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(w) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) The program site shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(x) Amounts provided in this subsection are sufficient to implement Second Substitute House Bill No. 2912 (mental health professionals).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$104,749,000)
	\$115,706,000
General Fund--State Appropriation (FY 2007)	(\$110,534,000)
	\$137,445,000
General Fund--Federal Appropriation	(\$150,115,000)
	\$143,693,000
General Fund--Private/Local Appropriation	(\$29,632,000)
	\$30,994,000
<u>Pension Funding Stabilization Account--State</u>	<u>\$965,000</u>
<u>Appropriation</u>	<u>\$965,000</u>
TOTAL APPROPRIATION	(\$395,030,000)
	\$428,803,000

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

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional

staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(d) \$6,770,000 of the general fund--state appropriation for fiscal year 2006 and \$19,850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to open on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals. To the extent that the department and regional support networks are able to develop and implement cost-effective approaches during fiscal year 2007 that would avert the need to open one or more of the additional wards, the department is authorized to use funds appropriated in this subsection for implementation of those approaches. The department shall seek review and comment from the legislative fiscal committees at least thirty days prior to proceeding with implementation of any such alternative approach.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	(\$43,322,000)
	\$40,499,000
General Fund--State Appropriation (FY 2007)	(\$46,551,000)
	\$45,276,000
<u>Pension Funding Stabilization Account--State</u>	<u>\$129,000</u>
<u>Appropriation</u>	<u>\$129,000</u>
TOTAL APPROPRIATION	(\$89,873,000)
	\$85,904,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	.....	\$643,000
General Fund--State Appropriation (FY 2007)	...	(\$994,000)
		\$1,726,000
General Fund--Federal Appropriation	.....	(\$3,209,000)
		\$3,395,000
<u>Pension Funding Stabilization Account--State</u>	<u>Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	..	(\$4,846,000)
		\$5,765,000

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

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	..	(\$3,620,000)
		\$6,577,000
General Fund--State Appropriation (FY 2007)	..	(\$3,550,000)
		\$4,183,000
General Fund--Federal Appropriation	.....	(\$6,671,000)
		\$5,881,000
<u>Pension Funding Stabilization Account--State</u>		

Appropriation	\$19,000
TOTAL APPROPRIATION	((\$13,841,000))
	\$16,660,000

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

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity*, Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

Sec. 159. 2005 c 518 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006) ((\$299,027,000))	\$296,430,000
General Fund--State Appropriation (FY 2007) ((\$311,869,000))	\$312,856,000
General Fund--Federal Appropriation ((\$505,414,000))	\$503,419,000
Health Services Account--State Appropriation	\$904,000
Pension Funding Stabilization Account--State Appropriation	\$138,000
TOTAL APPROPRIATION ((\$1,117,214,000))	\$1,113,747,000

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

(a) The entire health services account appropriation, ((~~\$213,000~~)) \$151,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$400,000~~)) \$427,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$600,000~~)) \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The ((~~per worker per month~~)) state contribution ((~~per agency~~)) to the cost of health care benefits per participating worker per month shall be no greater than ((~~\$380.06~~)) \$449.00 in fiscal year 2006 and ((~~\$413.14~~)) \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state

supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$1,563,000~~)) \$1,917,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$2,078,000~~)) \$2,433,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$1,531,000~~)) \$1,735,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$2,110,000~~)) \$2,315,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, \$13,802,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

Of the amounts provided in this subsection (e), \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal

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year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,979,000)~~ \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$1,219,000)~~ \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 (~~(\$100,000)~~) and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 (~~(\$65,000 of the general fund--state appropriation for fiscal year 2007)~~) and (~~(\$130,000)~~) \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(l) \$955,000 of the general fund--state appropriation for fiscal year 2007 and \$958,000 of the general fund--federal appropriation are provided solely for a rate increase for supported living providers of 15 cents per hour for King county, and 12 cents per hour for all other counties.

(m) \$778,000 of the general fund--state appropriation for fiscal year 2007 and \$580,000 of the general fund--federal appropriation are provided solely for additional case managers and support staff. The department shall dedicate half of the amount provided in this subsection to accelerate the implementation of the mini-assessment tool on clients not currently receiving paid services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$76,062,000)
	\$76,623,000
General Fund--State Appropriation (FY 2007)	(\$78,545,000)
	\$78,826,000
General Fund--Federal Appropriation	(\$152,479,000)
	\$153,807,000
General Fund--Private/Local Appropriation ..	(\$12,000,000)
	\$11,237,000
Pension Funding Stabilization Account--State Appropriation	\$457,000
TOTAL APPROPRIATION	(\$319,086,000)
	\$320,950,000

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

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disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	..	(\$2,457,000)
		\$2,312,000
General Fund--State Appropriation (FY 2007)	..	(\$2,068,000)
		\$1,924,000
General Fund--Federal Appropriation	.....	(\$3,034,000)
		\$3,014,000
<u>Pension Funding Stabilization Account--State</u>		
<u>Appropriation</u>	.....	\$17,000
TOTAL APPROPRIATION	..	(\$7,559,000)
		\$7,267,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	.....	\$11,000
General Fund--State Appropriation (FY 2007)	.....	\$17,000
General Fund--Federal Appropriation	.....	(\$16,668,000)
		\$17,238,000
<u>Pension Funding Stabilization Account--State</u>		
<u>Appropriation</u>	.....	\$2,000
TOTAL APPROPRIATION	..	(\$16,696,000)
		\$17,268,000

Sec. 160. 2005 c 518 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$604,891,000)
	\$610,082,000
General Fund--State Appropriation (FY 2007)	(\$623,448,000)
	\$663,865,000
General Fund--Federal Appropriation	.....
	(\$1,264,939,000)
	\$1,312,062,000
General Fund--Private/Local Appropriation	..
	(\$18,939,000)
	\$18,949,000
Health Services Account--State Appropriation	....
	\$4,888,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	.....
	\$317,000
TOTAL APPROPRIATION	(\$2,517,105,000)
	\$2,610,163,000

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

(1) The entire health services account appropriation, ~~(\$610,000)~~ \$6,911,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$610,000)~~ \$11,571,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$5,552,000)~~ \$23,251,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The ~~(per worker per month)~~ state contribution ~~(per agency)~~ to the cost of health care benefits per eligible participating worker per month shall be no greater than ~~(\$380.06)~~ \$449.00 in fiscal year 2006 and ~~(\$413.14)~~ \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and

individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~(\$149.14)~~ \$147.57 for fiscal year 2006 and shall not exceed ~~(\$153.50)~~ \$156.41 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) ~~(\$1,413,000)~~ \$1,604,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$2,887,000)~~ \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$4,305,000)~~ \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that

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specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

~~((+2))~~ (11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

~~((+3))~~ (12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

~~((+4))~~ (13) \$435,000 of the general fund--state appropriation for fiscal year 2006(~~-, \$435,000 of the general fund--state appropriation for fiscal year 2007;~~) and ~~((870,000))~~ \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

~~((+))~~ (a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

~~((+))~~ (b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$57,000 of the general fund--state appropriation for fiscal year 2007 and \$57,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 6630 (threatening individuals). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$4,493,000 of the general fund--state appropriation for fiscal year 2007 and \$4,478,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is

not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to a boarding home licensed under chapter 18.20 RCW on January 25, 2002, which contracts with the department to provide assisted living services and which serves 20 or more clients participating in the program for all-inclusive care.

(19) \$10,090,000 of the general fund--state appropriation for fiscal year 2007 and \$10,090,000 of the general fund--federal appropriation are provided solely for the implementation of House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(20) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(21) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(22) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

Sec. 161. 2005 c 518 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006) ((\$483,166,000))	\$514,027,000
General Fund--State Appropriation (FY 2007) ((\$501,081,000))	\$531,957,000
General Fund--Federal Appropriation ((\$1,246,447,000))	\$1,245,673,000
General Fund--Private/Local Appropriation ((\$31,466,000))	\$27,535,000
Pension Funding Stabilization Account--State Appropriation	\$1,138,000
TOTAL APPROPRIATION ((\$2,262,160,000))	\$2,320,330,000

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

(1) (~~(\$273,333,000)~~) \$303,247,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$273,333,000)~~) \$307,273,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$1,020,292,000)~~) \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within

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available federal grant levels and the appropriated state-fund levels.

(2) (~~(\$75,833,000)~~) \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$74,358,000)~~) \$77,880,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month beginning in fiscal year 2006, and by an additional \$2.06 per month beginning in fiscal year 2007, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$51,000 of the general fund--state appropriation for fiscal year 2006, \$84,000 of the general fund--state appropriation for fiscal year 2007, and \$261,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2462 (child support schedule). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 162. 2005 c 518 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$57,235,000)
	\$55,136,000
General Fund--State Appropriation (FY 2007)	(\$66,956,000)
	\$67,345,000
General Fund--Federal Appropriation	(\$110,175,000)
	\$136,750,000
General Fund--Private/Local Appropriation	(\$633,000)
	\$634,000
Criminal Justice Treatment Account--State Appropriation	
.....	\$16,500,000

Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$48,842,000
Problem Gambling ((Treatment)) Account--State	
Appropriation	(\$1,500,000)
	\$1,350,000
Public Safety and Education Account--State	
Appropriation	\$2,081,000
Pension Funding Stabilization Account--State	
Appropriation	\$39,000
TOTAL APPROPRIATION	(\$303,922,000)
	\$328,677,000

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

(1) (~~(\$1,500,000)~~) \$100,000 of the general fund--state appropriation for fiscal year 2006, \$50,000 of the general fund--state appropriation for fiscal year 2007, and \$1,350,000 of the problem gambling (~~(treatment)~~) account appropriation (~~(ts)~~) are provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$1,338,000)~~) \$1,713,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington and Skagit county. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, Skagit county, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No.

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5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, \$13,124,000 of the general fund--state appropriation for fiscal year 2007, and \$10,669,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, \$2,523,000 of the general fund--state appropriation for fiscal year 2007, and \$1,496,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

Sec. 163. 2005 c 518 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$1,481,212,000)
	\$1,462,447,000
General Fund--State Appropriation (FY 2007)	(\$1,596,401,000)
	\$1,550,541,000
General Fund--Federal Appropriation	(\$4,036,615,000)
	\$4,001,987,000
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	\$15,000,000
Health Services Account--State Appropriation (\$636,942,000)	
\$677,288,000 Pension Funding Stabilization Account--State	
Appropriation	\$123,000
TOTAL APPROPRIATION (\$7,767,870,000)	
	\$7,709,386,000

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

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's

intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) ~~(\$1,660,000)~~ \$2,221,000 of the health services account appropriation, ~~(\$4,361,000)~~ \$5,402,000 of the general fund--federal appropriation, ~~(\$1,350,000)~~ \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and ~~(\$1,351,000)~~ \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) ~~(\$22,081,000)~~ \$21,092,000 of the health services account appropriation and ~~(\$20,714,000)~~ \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts ~~(provided)~~ specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. ~~(\$37,034,000 of the general fund--state appropriation for fiscal year 2006, \$37,552,000 of the general fund--state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account--state appropriation, and \$45,450,000 of the general fund--federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals.)~~ Payments under these new state grant and upper payment limit

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programs shall not exceed \$54,054,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; \$47,474,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and \$11,328,000 from the general fund--federal appropriations in this section.

(10) ~~(\$4,372,000)~~ \$4,077,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$4,014,000)~~ \$4,847,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$65,112,000)~~ \$70,100,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) ~~(\$150,000)~~ \$188,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$75,000)~~ \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

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(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

~~((22))~~ (21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$66,000 of the general fund--state appropriation for fiscal year 2007 and \$66,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$17,000 of the general fund--state appropriation for fiscal year 2006, \$53,000 of the general fund--state appropriation for fiscal year 2007, and \$70,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

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Sec. 164. 2005 c 518 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

Sec. 165. 2005 c 518 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, and TOTAL APPROPRIATION.

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

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) (\$3,195,000) \$2,245,000 of the general fund--state appropriation for fiscal year 2006, (\$639,000) \$1,589,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

((4)) \$1,345,000 of the domestic violence prevention account is provided solely for the implementation of Engrossed Substitute House Bill No. 1314 (domestic violence prevention).

If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.)

Sec. 166. 2005 c 518 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, and TOTAL APPROPRIATION.

Sec. 167. 2005 c 518 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

Table with 2 columns: Description and Amount. Includes General Fund--Federal Appropriation, State Health Care Authority Administrative Account--State Appropriation, Medical Aid Account--State Appropriation, Health Services Account--State Appropriation, and TOTAL APPROPRIATION.

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

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

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(4) ~~(\$19,108,000)~~ \$21,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for establishment of a centralized evidence-based health technology assessment system as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) As provided in Engrossed Second Substitute Senate Bill No. 6459 (community-based health care solutions), the

authority shall make grants of up to \$250,000 from the community health collaborative account to assist community-based organizations increase access to appropriate, affordable health care for Washington residents, particularly low-income working individuals and their families. State grant funds may be used to collect federal matching funds available through medicaid or through the state children's health insurance (SCHIP) program, to the extent allowed by federal rules, and to the extent funds are available in the state's SCHIP allotment in excess of those required for services funded in section 209 of this 2006 act.

(13) \$625,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$499,000 of the health services account appropriation and \$65,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 168. 2005 c 518 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2006)	. ((\$2,596,000))
	\$2,779,000
General Fund--State Appropriation (FY 2007)	. ((\$2,634,000))
	\$3,032,000
General Fund--Federal Appropriation	. . . . . ((\$1,741,000))
\$1,321,000 Pension Funding Stabilization Account--State	
Appropriation	. . . . . \$13,000
TOTAL APPROPRIATION	. . ((\$6,971,000))
	\$7,143,000

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

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

Sec. 169. 2005 c 518 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation	. . . . . \$20,000
Accident Account--State Appropriation	. . . . . ((\$16,399,000))
	\$16,452,000
Medical Aid Account--State Appropriation	. . . ((\$16,398,000))
	\$16,451,000
TOTAL APPROPRIATION	. ((\$32,817,000))
	\$32,923,000

Sec. 170. 2005 c 518 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Public Safety and Education Account--State	
Appropriation	(\$19,003,000)
	\$22,231,000
Death Investigations Account--State Appropriation .	\$148,000
Municipal Criminal Justice Assistance Account--	
(Private/Local) State Appropriation	\$460,000
TOTAL APPROPRIATION	(\$19,611,000)
	\$22,839,000

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

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The commission shall conduct a survey of local law enforcement and state agencies to collect data projecting future cadet enrollments for the 2007-2009 biennium. The commission shall report the findings to the legislature by October 1, 2006.

(6)(a) \$411,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6502 (victim information system). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely for a contract with the Washington association of sheriffs and police chiefs to implement a statewide automated victim information and notification system. This system shall be added to the city and county jail booking and reporting system. The statewide automated victim information and notification system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility: (A) Is transferred or assigned to another facility; (B) is transferred to the custody of another agency outside the state; (C) is given a different security classification; (D) is released on temporary leave or otherwise; (E) is discharged; (F) has escaped; or (G) has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has: (A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs; (B) an upcoming parole, pardon, or community supervision hearing; or (C) a change in the offender's parole, probation, or community supervision status including a change in the offender's supervision status or a change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has: (A) Updated his or her profile information with the state sex

offender registry; or (B) become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped.

(b) The purpose of the victim information and notification system is to protect the public health, safety, and welfare generally. Creation and implementation of the victim information and notification system does not create a private right of action.

(c) The Washington association of sheriffs and police chiefs will not require automated victim information and notification systems in existence and operational as of the effective date of this act to participate in the statewide system.

(d) Any vendor that the association contracts with to provide the statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.

(e) The Washington association of sheriffs and police chiefs shall report to the appropriate fiscal and policy committees of the legislature by December 1, 2006, on the availability of federal grant funds to operate the victim information system.

(7) \$132,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6320 (sex offender information). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$1,575,000 of the public safety and education account--state appropriation is provided solely for the implementation of sections 103, 104, and 105 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 171. 2005 c 518 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006)	(\$7,554,000)
	\$7,561,000
General Fund--State Appropriation (FY 2007)	(\$7,648,000)
	\$7,681,000
Public Safety and Education Account--State	
Appropriation	(\$27,277,000)
	\$29,519,000
Public Safety and Education Account--Federal	
Appropriation	\$10,000,000
Asbestos Account--State Appropriation	(\$808,000)
	\$810,000
Electrical License Account--State Appropriation	(\$34,743,000)
	\$35,995,000
Farm Labor Revolving Account--Private/Local	

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Appropriation	\$28,000
Worker and Community Right-to-Know Account--State	
Appropriation	(\$1,836,000)
	\$1,827,000
Public Works Administration Account--State	
Appropriation	(\$2,664,000)
	\$2,673,000
Accident Account--State Appropriation	(\$206,490,000)
	\$211,084,000
Accident Account--Federal Appropriation	\$13,621,000
Medical Aid Account--State Appropriation	(\$205,011,000)
	\$208,033,000
Medical Aid Account--Federal Appropriation	\$3,185,000
Plumbing Certificate Account--State Appropriation	(\$1,657,000)
	\$1,730,000
Pressure Systems Safety Account--State	
Appropriation	(\$3,324,000)
\$3,357,000 Pension Funding Stabilization Account--State	
Appropriation	\$31,000
TOTAL APPROPRIATION (\$525,846,000)	
	\$537,135,000

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

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) ~~(\$27,227,000)~~ \$29,283,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates; ~~(and)~~

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to ~~(expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county~~

~~on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers)) (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.~~

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

(13) \$345,000 of the accident account--state appropriation and \$61,000 of the medical aid account--state appropriation are provided solely for costs pursuant to Engrossed House Bill No. 2623 (agricultural workers). If the bill is not enacted by June 30, 2006, the amounts provided for this purpose shall lapse.

(14) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

(15) \$61,000 of the electrical license account--state appropriation and \$55,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6225 (domestic water pumping systems). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$26,000 of the accident account--state appropriation and \$5,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 6185 (family and medical leave act). If the bill not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$10,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to prepare informational brochures summarizing RCW 60.04.250, with an emphasis on providing residential homeowners and small business owners with information about contracting for new construction or remodeling construction work, including information about the scope of coverage of contractor bonding, and how lien procedures work, to be made available for local government building departments, on the department's web page, and other locations determined by the department for distribution.

Sec. 172. 2005 c 518 s 218 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

General Fund--State Appropriation (FY 2006)	\$1,092,000
General Fund--State Appropriation (FY 2007)	(\$1,096,000)
<u>\$1,571,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(\$2,188,000)
	<u>\$2,667,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$374,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 3261 (sentence review). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 173. 2005 c 518 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	(\$1,918,000)
	<u>\$1,917,000</u>
General Fund--State Appropriation (FY 2007)	(\$1,880,000)
	<u>\$1,982,000</u>

Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
<u>\$28,830,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$10,000</u>
TOTAL APPROPRIATION	(\$3,808,000)
	<u>\$3,919,000</u>

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

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	(\$2,809,000)
	<u>\$3,317,000</u>
General Fund--Federal Appropriation	\$343,000
General Fund--Private/Local Appropriation	(\$2,016,000)
	<u>\$1,367,000</u>

<u>Veterans Estate Management Account--Local</u>	
<u>Appropriation</u>	<u>\$651,000</u>
<u>Veterans' Innovations Program Account--State</u>	
<u>Appropriation</u>	<u>\$2,000,000</u>
<u>\$2,000,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$11,000</u>
TOTAL APPROPRIATION	(\$7,979,000)
	<u>\$10,500,000</u>

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

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$2,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$8,259,000)
	<u>\$5,283,000</u>
General Fund--State Appropriation (FY 2007)	(\$8,238,000)
	<u>\$5,946,000</u>
General Fund--Federal Appropriation	(\$31,436,000)
	<u>\$36,114,000</u>
General Fund--Private/Local Appropriation	(\$26,338,000)
<u>\$28,830,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$187,000</u>
TOTAL APPROPRIATION	(\$74,271,000)
	<u>\$76,360,000</u>

Sec. 174. 2005 c 518 s 220 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2006)	(\$919,000)
	<u>\$724,000</u>
General Fund--State Appropriation (FY 2007)	(\$1,093,000)
	<u>\$1,401,000</u>
General Fund--Federal Appropriation	(\$1,034,000)
<u>\$1,167,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	(\$3,046,000)
	<u>\$3,294,000</u>

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

Sec. 175. 2005 c 518 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2006)	(\$64,090,000)
	<u>\$62,835,000</u>
General Fund--State Appropriation (FY 2007)	(\$64,485,000)
	<u>\$70,954,000</u>
General Fund--Federal Appropriation	(\$455,467,000)
	<u>\$477,467,000</u>
General Fund--Private/Local Appropriation	(\$101,479,000)
	<u>\$104,867,000</u>
Hospital Commission Account--State Appropriation	(\$2,615,000)
	<u>\$1,521,000</u>
Health Professions Account--State Appropriation	(\$51,659,000)
	<u>\$53,975,000</u>
Aquatic Lands Enhancement Account--State	
Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	(\$12,578,000)
	<u>\$12,579,000</u>
Safe Drinking Water Account--State Appropriation	(\$2,907,000)
	<u>\$2,917,000</u>
Drinking Water Assistance Account--Federal	
Appropriation	(\$16,158,000)

	<u>\$16,179,000</u>
Waterworks Operator Certification--State	
Appropriation	(\$1,098,000)
	<u>\$1,099,000</u>
Drinking Water Assistance Administrative Account--	
State Appropriation	\$326,000
Water Quality Account--State Appropriation	(\$3,680,000)
	<u>\$3,693,000</u>
State Toxics Control Account--State Appropriation	
.	(\$2,843,000)
	<u>\$2,852,000</u>
Medical Test Site Licensure Account--State	
Appropriation	(\$1,790,000)
	<u>\$1,798,000</u>
Youth Tobacco Prevention Account--State Appropriation	
.	\$1,806,000
Public Health Supplemental Account--Private/Local	
Appropriation	\$3,306,000
Accident Account--State Appropriation	(\$275,000)
	<u>\$277,000</u>
Medical Aid Account--State Appropriation	\$46,000
Health Services Account--State Appropriation	(\$38,101,000)
	<u>\$41,942,000</u>
Tobacco Prevention and Control Account--State	
Appropriation	(\$52,677,000)
	<u>\$52,684,000</u>
(Patient Safety Account--State Appropriation	(\$641,000)
<u>Pension Funding Stabilization Account--State</u>	
<u> Appropriation</u>	<u>\$144,000</u>
<u>TOTAL APPROPRIATION</u>	(\$878,625,000)
	<u>\$913,867,000</u>

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

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law

does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) ~~(\$82,000 of the general fund--state appropriation for fiscal year 2006, \$52,000 of the general fund--state appropriation for fiscal year 2007, and \$641,000 of the patient safety account appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1291 (patient safety practices). If Engrossed Second Substitute House Bill No. 1291 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.~~

~~(9))~~ (9)) \$100,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$200,000)~~ \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve ~~(approximately)~~ over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

~~((+2))~~ (9) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

~~((+1))~~ (10) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

~~((+2))~~ (11) \$100,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$100,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

~~((+3))~~ (12) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend

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strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

~~((14))~~ (13) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

~~((15))~~ (14) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((16))~~ (15) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((17))~~ (16) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((18))~~ (17) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((19))~~ (18) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((20))~~ (19) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((21))~~ (20) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((22))~~ (21) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((23))~~ (22) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(23) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected

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by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the extent to which the vaccine is mercury-free. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(24) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

(25) \$13,000 of the general fund--state appropriation for fiscal year 2007 and \$208,000 of the health professions account appropriation are provided solely for implementation of Substitute House Bill No. 2431 (background checks/health care). If Substitute House Bill No. 2431 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2342 (health care declarations). If Second Substitute House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(27) \$432,000 of the general fund--state appropriation for fiscal year 2007 and \$21,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform) including sections 105 through 112 of the bill. If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(28) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(29) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

(30) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2985 (foster care health unit). If Substitute House Bill No. 2985 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(31) \$54,000 of the general fund--state appropriation for fiscal year 2007 and \$183,000 of the health professions account appropriation are provided solely for implementation of Engrossed Senate Bill No. 6194 (multicultural education/health). If Engrossed Senate Bill No. 6194 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(32) \$118,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1850. If Engrossed Substitute House Bill No. 1850 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(33) \$173,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to provide staff support to the governor's interagency committee on health disparities, as provided in Senate Bill No. 6197. If

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Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(34) \$119,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to conduct health impact assessments, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to conduct a survey of health professional demographics and practice patterns, as provided in Senate Bill No. 6193. If Senate Bill No. 6193 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(36) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and maintain a database showing the statewide incidence and provenance of hepatitis C infections, and to conduct a public information campaign on transmission, prevention, detection, and treatment of the disease.

(37) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a prostate cancer public awareness and education campaign. The campaign shall place special emphasis on early education for men over forty, African-American men, and men who are at high risk for prostate cancer according to the guidelines of the American cancer society.

(38) \$130,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances) including sections 201 through 203 of the bill. If Engrossed Second Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provide in this subsection shall lapse.

(39) Appropriations in this section assume savings attributable to House Bill No. 2632 (HIV insurance coverage program).

(40) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, these funds shall be used solely for the department to coordinate with the department of ecology or development and adoption of rules relating to reclaimed water.

Sec. 176. 2005 c 518 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2006, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006) ~~(\$52,282,000)~~
\$46,867,000
General Fund--State Appropriation (FY 2007) ~~(\$41,838,000)~~
\$59,681,000

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General Fund--Federal Appropriation \$1,022,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$26,000
Public Safety and Education Account--State
Appropriation ~~(\$2,768,000)~~
\$2,774,000
~~((Industrial Insurance Account--State Appropriation . . . \$1,000))~~
Pension Funding Stabilization Account--State
Appropriation \$245,000
TOTAL APPROPRIATION . ~~(\$97,937,000)~~
\$110,615,000

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

(a) ~~(\$11,250,000)~~ \$5,250,000 of the general fund--state appropriation for fiscal year 2006 ~~(†s)~~ and \$17,250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$35,000 of the general fund--state appropriation for the fiscal year 2007 is provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006) ~~(\$516,992,000)~~
\$524,561,000
General Fund--State Appropriation (FY 2007) ~~(\$545,816,000)~~
\$555,895,000
General Fund--Federal Appropriation ~~(\$4,424,000)~~
\$3,447,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$2,984,000
Pension Funding Stabilization Account--State
Appropriation \$2,269,000
TOTAL APPROPRIATION ~~(\$1,070,216,000)~~
\$1,089,156,000

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

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for

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women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall participation in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(h) \$1,060,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 3 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(i) \$384,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute Senate Bill No. 6460 (crimes with sexual motivation). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(j) \$91,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 2 of Second Substitute Senate Bill No. 6172 (possession of child pornography). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(k) \$763,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of sections 102, 301, and 302 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006)	(((82,210,000)))
	\$89,217,000
General Fund--State Appropriation (FY 2007)	(((81,646,000)))
	\$92,477,000
Public Safety and Education Account--State	
Appropriation	(((16,736,000)))
\$16,796,000 Pension Funding Stabilization Account--State	
Appropriation	\$449,000
TOTAL APPROPRIATION	(((180,592,000)))
	\$198,939,000

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

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender

travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$59,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(e) \$666,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 303 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006)	.....	\$838,000
General Fund--State Appropriation (FY 2007)	.....	\$882,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$3,000
TOTAL APPROPRIATION	..	(((1,720,000)))
		\$1,723,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006)	(((33,839,000)))	
	\$37,289,000	
General Fund--State Appropriation (FY 2007)	(((33,838,000)))	
	\$38,662,000	
TOTAL APPROPRIATION	..	(((67,677,000)))
		\$75,951,000

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 177. 2005 c 518 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2006)	..	(((1,887,000)))
		\$2,037,000
General Fund--State Appropriation (FY 2007)	..	(((1,939,000)))
		\$1,962,000
General Fund--Federal Appropriation	.....	(((15,326,000)))
		\$15,362,000
General Fund--Private/Local Appropriation	.....	\$80,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$5,000
TOTAL APPROPRIATION	..	(((19,232,000)))
		\$19,446,000

Sec. 178. 2005 c 518 s 224 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2006)	\$864,000
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General Fund--State Appropriation (FY 2007) . . .	(\$861,000)
<u>\$863,000 Pension Funding Stabilization Account--State</u>	
Appropriation	\$4,000
TOTAL APPROPRIATION	(\$1,725,000)
	\$1,731,000

Sec. 179. 2005 c 518 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2006)	\$60,000
General Fund--State Appropriation (FY 2007)	\$60,000
General Fund--Federal Appropriation	(\$259,865,000)
	\$260,228,000
General Fund--Private/Local Appropriation	(\$31,857,000)
	\$31,966,000
Unemployment Compensation Administration Account--	
Federal Appropriation	(\$199,217,000)
	\$200,541,000
Administrative Contingency Account--State	
Appropriation	(\$14,946,000)
	\$16,866,000
Employment Service Administrative Account--State	
Appropriation	(\$24,411,000)
	\$24,491,000
TOTAL APPROPRIATION	(\$530,416,000)
	\$534,212,000

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

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(End of part)

**PART III
NATURAL RESOURCES**

Sec. 301. 2005 c 518 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2006)	\$471,000
General Fund--State Appropriation (FY 2007)	(\$478,000)

General Fund--Private/Local Appropriation	\$479,000
<u>\$862,000 Pension Funding Stabilization Account--State</u>	
Appropriation	\$2,000
TOTAL APPROPRIATION	(\$1,808,000)
	\$1,814,000

Sec. 302. 2005 c 518 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2006)	(\$40,648,000)
	\$40,744,000
General Fund--State Appropriation (FY 2007)	(\$40,344,000)
	\$44,131,000
General Fund--Federal Appropriation	(\$73,911,000)
	\$74,678,000
General Fund--Private/Local Appropriation	(\$13,287,000)
	\$13,290,000
Special Grass Seed Burning Research	
Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	(\$2,646,000)
	\$2,778,000
Flood Control Assistance Account--State	
Appropriation	(\$3,084,000)
	\$3,422,000
State Emergency Water Projects Revolving	
Account--State Appropriation	(\$1,456,000)
	\$1,312,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation	(\$15,067,000)
	\$15,081,000
State Drought Preparedness Account--State	
Appropriation	(\$221,000)
	\$225,000
State and Local Improvements Revolving	
Account (Water Supply Facilities)--State	
Appropriation	(\$384,000)
	\$386,000
Vessel Response Account--State Appropriation	\$2,876,000
Site Closure Account--State Appropriation	(\$655,000)
	\$656,000
Water Quality Account--State Appropriation	(\$28,021,000)
	\$28,085,000
Wood Stove Education and Enforcement	
Account--State Appropriation	\$357,000
Worker and Community Right-to-Know	
Account--State Appropriation	(\$2,142,000)
	\$2,153,000
State Toxics Control Account--State Appropriation	
.	(\$78,169,000)
	\$84,319,000
State Toxics Control Account--Private/Local	
Appropriation	(\$379,000)
	\$380,000
Local Toxics Control Account--State Appropriation	
.	(\$5,258,000)
	\$5,424,000
Water Quality Permit Account--State Appropriation	
.	(\$31,909,000)
	\$32,468,000
Underground Storage Tank Account--State Appropriation	
.	(\$2,883,000)
	\$2,889,000
Environmental Excellence Account--State Appropriation	
.	\$504,000
Biosolids Permit Account--State Appropriation	(\$851,000)
	\$853,000
Hazardous Waste Assistance Account--State	
Appropriation	(\$5,153,000)
	\$5,171,000

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Air Pollution Control Account--State Appropriation	
.....	(\$11,199,000)
	<u>\$11,206,000</u>
Oil Spill Prevention Account--State Appropriation	
.....	(\$10,219,000)
	<u>\$11,078,000</u>
Air Operating Permit Account--State Appropriation	
.....	(\$2,679,000)
	<u>\$2,922,000</u>
Freshwater Aquatic Weeds Account--State	
Appropriation	(\$2,534,000)
	<u>\$2,144,000</u>
Oil Spill Response Account--State Appropriation ..	\$7,079,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State	
Appropriation	(\$413,000)
	<u>\$485,000</u>
Water Pollution Control Revolving Account--Federal	
Appropriation	(\$1,995,000)
	<u>\$2,357,000</u>
Freshwater Aquatic Algae Control Account--State	
Appropriation	\$509,000
Pension Funding Stabilization Account--State	
Appropriation	\$186,000
TOTAL APPROPRIATION	(\$386,860,000)
	<u>\$400,176,000</u>

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

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) ~~(\$661,000 of the reclamation account--state appropriation is provided solely to implement Senate Bill No. 5831 (well construction fees). If the bill is enacted by June 30, 2005, \$150,000 from the general fund--state appropriation for fiscal year 2006 and \$150,000 from the general fund--state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided from the reclamation account in this subsection shall lapse.~~

~~(10) \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.~~

~~((11)) (10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.~~

~~((12)) (11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.~~

~~(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.~~

~~(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely to adopt rules in coordination with the department of health for all aspects of reclaimed water including: Industrial and commercial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, stream flow augmentation, and graywater use. The department must adopt the rules in a phased approach: The first phase shall be proposed for adoption by June 1, 2007, and shall include the uses of constructed treatment wetlands; and the second phase shall be adopted by December 31, 2010.~~

~~(14) \$820,000 of the oil spill prevention account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6244 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.~~

~~(15) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.~~

~~(16) \$48,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1488 (brominated flame retardants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.~~

~~(17) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support development of a wetland mitigation program in Clark county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region.~~

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(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

(19) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(20) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

(21) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

(22) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the department to collaborate with the Wenatchee watershed planning unit and Chelan county for development of a regulatory strategy, as required by the federal clean water act, to control total maximum daily loads of phosphorous to the Wenatchee river. A technically sound plan for managing phosphorous and restoring water quality in the Wenatchee river shall be provided to the appropriate committees of the legislature by July 1, 2008.

(23) \$55,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to address air quality issues for the Columbia river gorge in cooperation with the state of Oregon.

(24) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Senate Bill No. 6861 (domestic water users). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(25) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the restoration of Long lake located in Kitsap county in accordance with the plan approved by the Kitsap county weed control board, the county commissioners, the citizens for improving Long lake, and the department of ecology.

(26) \$150,000 of the local toxics control account--state appropriation is provided solely for the contracting and production of the second phase report for establishing sustainable statewide regional CBRNE/Hazmat response capability. The report will, at a minimum include, a cost-benefit analysis, analysis of sustainable funding options, regional alignment and mutual aid agreements, and administration requirements.

(27) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot project that demonstrates the value of long-term management plans for small forest landowners.

Sec. 303. 2005 c 518 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Winter Recreation Program Account--State Appropriation, and Off-Road Vehicle Account--State Appropriation.

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Table with 2 columns: Description and Amount. Includes Snowmobile Account--State Appropriation, Aquatic Lands Enhancement Account--State Appropriation, Parks Renewal and Stewardship Account--State Appropriation, Public Safety and Education Account--State Appropriation, Parks Renewal and Stewardship Account--Private/Local Appropriation, Pension Funding Stabilization Account--State Appropriation, and TOTAL APPROPRIATION.

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

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,636,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the state parks and recreation commission for lost revenue from general park access or parking fees.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for repair and maintenance costs at state parks.

Sec. 304. 2005 c 518 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2006), General Fund--State Appropriation (FY 2007), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, Aquatic Lands Enhancement Account--State Appropriation, Water Quality Account--State Appropriation, Firearms Range Account--State Appropriation, Recreation Resources Account--State Appropriation, NOVA Program Account--State Appropriation, Pension Funding Stabilization Account--State Appropriation, and TOTAL APPROPRIATION.

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

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

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(2) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) During the 2005-07 fiscal biennium, any county that purchased land before 1978 for off-road vehicle sports park recreation pursuant to 1972 ex.s. c 153 and 1975 1st ex.s. c 34 may discharge its contractual obligations for state-funded capital improvements on those lands if by no later than June 30, 2007:

(a) It sells on the open market, at the highest price achievable, all such lands and related facilities and equipment. After deducting reasonable expenses for the cost of sale, all remaining funds will be deposited within thirty days of closing to the nonhighway and off-road vehicle activities program account in the office of the state treasurer. Any funds derived from such sale shall be expended in accordance with RCW 46.09.170(2)(d)(ii)(A) in the same manner as funds the committee receives from RCW 46.09.110 and shall be used for off-road vehicle recreation facilities in areas west of the crest of the Cascade Mountains with preference for developing a new off-road vehicle sports park; or

(b) With the consent of the interagency committee, it gives all such lands and related facilities and equipment to a state or local agency. The state or local agency must agree to make the lands available for purposes related to motorized off-road vehicle recreation. The agency will not be responsible for contractual obligations for previous state-funded capital improvements on those lands. The interagency committee may award a one time noncompetitive grant to the agency for renovation and other capital improvements and for initial operating costs. If a transfer of property under this subsection (b) is not approved prior to June 30, 2006, then the property shall be sold according to (a) of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(5) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$20,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 305. 2005 c 518 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2006)	\$1,057,000
General Fund--State Appropriation (FY 2007)	(\$1,064,000)
<u>\$1,066,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$5,000</u>
TOTAL APPROPRIATION	(\$2,121,000)
	\$2,128,000

Sec. 306. 2005 c 518 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

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General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007)	(\$2,253,000)
<u>\$2,256,000 General Fund--Federal Appropriation</u>	<u>\$250,000</u>
<u>Water Quality Account--State Appropriation</u>	<u>(\$4,175,000)</u>
<u>\$4,178,000 Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$3,000</u>
TOTAL APPROPRIATION	(\$8,663,000)
	\$8,922,000

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

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 307. 2005 c 518 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2006)	(\$45,751,000)
	\$46,692,000
General Fund--State Appropriation (FY 2007)	(\$44,545,000)
	\$46,856,000
General Fund--Federal Appropriation	(\$42,261,000)
	\$49,100,000
General Fund--Private/Local Appropriation	(\$36,025,000)
	\$36,089,000
Off-Road Vehicle Account--State Appropriation	\$392,000
Aquatic Lands Enhancement Account--State	
Appropriation	(\$5,813,000)
	\$5,820,000
Recreational Fisheries Enhancement--State	
Appropriation	(\$3,547,000)
	\$3,753,000
Warm Water Game Fish Account--State Appropriation	
.	(\$2,898,000)
	\$2,904,000
Eastern Washington Pheasant Enhancement	
Account--State Appropriation	\$750,000
Wildlife Account--State Appropriation	(\$62,776,000)
	\$61,946,000
Wildlife Account--Federal Appropriation	(\$30,966,000)
	\$33,029,000
Wildlife Account--Private/Local Appropriation	(\$10,379,000)
	\$10,386,000
Game Special Wildlife Account--State Appropriation	
.	(\$2,147,000)
	\$2,883,000
Game Special Wildlife Account--Federal Appropriation	
.	(\$8,858,000)
	\$8,863,000
Game Special Wildlife Account--Private/Local	
Appropriation	(\$468,000)
	\$469,000
Public Safety and Education Account--State	
Appropriation	\$588,000
Environmental Excellence Account--State Appropriation	
.	\$15,000
Regional Fisheries Salmonid Recovery	
Account--Federal Appropriation	(\$1,755,000)
	\$2,755,000

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(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund;

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature; and

(c) Develop a model for forecasting state wildlife account revenues for the next six years. The department shall work with the office of financial management and the department of revenue in developing the model. The forecast shall be provided in an electronic format annually on September 1st to the office of financial management and the fiscal committees of the legislature.

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 fire season. Funding shall be used for seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$266,000 of the general fund--state appropriation for fiscal year 2006 and \$214,000 of the state wildlife account--state appropriation are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

(25) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$76,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for the added level of fishery sampling and monitoring in the upper Columbia river area as required under the endangered species act and federal court orders.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an interagency working group scoping of a study of the sinking of ships as dive attractions. The department of fish and wildlife shall, as approved by the office of financial management, enter into an interagency agreement with the department of natural resources, the state parks and recreation commission, the department of ecology, and the department of community, trade, and economic development to delineate elements of this study. The department of fish and wildlife shall report to the office of financial management and the appropriate committees of the legislature no later than November 15, 2006.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase fish production levels on a statewide basis at state-operated fish hatcheries. By July 31, 2006, the department shall submit to the appropriate policy and fiscal committees of the legislature an

implementation plan that outlines in specific detail how the amount provided in this subsection will be spent in order to increase fish production. The plan will include production implementation timelines, increased production goals, by species, at identified hatcheries that will receive financial assistance, and the amount to be retained by the department for administration and overhead costs, including the purchase of any new equipment. By July 31, 2007, the department shall submit to the appropriate policy and fiscal committees of the legislature a report documenting the increased production levels, using fiscal year 2006 as the base year for comparison purposes. If the department is unable to produce the implementation plan by July 31, 2006, the amount provided in this subsection shall lapse.

(29) \$75,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for the department to prevent impacts to native species by controlling the nonnative nutria population in Skagit county.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the northwest straits commission to remove lost and abandoned fishing nets and crab and shrimp pots that may be dangerous to humans and that unintentionally trap and kill endangered salmon and other aquatic species.

((2+)) (31) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(32) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

(33) \$660,000 of the general fund--federal appropriation is provided solely to initiate a review of the hydraulic project approval permit rules and to undergo a public process for adoption of new or revised rules that may be needed. Upon completion, the department shall complete a habitat conservation plan for the hydraulic project approval program, and shall seek legislative review prior to adoption of new or revised rules.

(34) \$125,000 of the state wildlife account--state appropriation is provided to implement Engrossed Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 308. 2005 c 518 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006)	(\$49,220,000)
	\$40,473,000
General Fund--State Appropriation (FY 2007)	(\$43,757,000)
	\$53,999,000
General Fund--Federal Appropriation	(\$15,202,000)
	\$15,215,000
General Fund--Private/Local Appropriation . . .	(\$1,275,000)
	\$1,276,000
Forest Development Account--State Appropriation	
.....	(\$54,441,000)
	\$54,697,000
Off-Road Vehicle Account--State Appropriation	(\$3,986,000)
	\$4,001,000
Surveys and Maps Account--State Appropriation	(\$2,436,000)
	\$2,447,000
Aquatic Lands Enhancement Account--State	

Appropriation	(\$8,344,000)
	<u>\$8,451,000</u>
Resources Management Cost Account--State	
Appropriation	(\$85,941,000)
	<u>\$86,332,000</u>
Surface Mining Reclamation Account--State	
Appropriation	(\$1,841,000)
	<u>\$2,828,000</u>
Disaster Response Account--State	
Appropriation	\$5,000,000
Water Quality Account--State Appropriation ...	(\$2,630,000)
	<u>\$2,636,000</u>
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	(\$652,000)
	<u>\$1,321,000</u>
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$2,155,000
Air Pollution Control Account--State Appropriation	(\$555,000)
	<u>\$556,000</u>
Derelict Vessel Removal Account--State Appropriation	
.....	(\$1,137,000)
	<u>\$1,138,000</u>
Agricultural College Trust Management	
Account--State Appropriation	(\$1,962,000)
<u>\$1,966,000</u> Pension Funding Stabilization Account--State	
Appropriation	\$136,000
<u>TOTAL APPROPRIATION</u>	(\$280,568,000)
	<u>\$284,661,000</u>

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

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) ~~(\$953,000)~~ \$972,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$950,000)~~ \$994,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) ~~(\$10,635,000)~~ \$10,689,000 of the general fund--state appropriation for fiscal year 2006, \$13,635,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in ~~(the consent decree and settlement agreement in)~~ *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on ~~(the release of those claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006;)~~ a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would collocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

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(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year (~~2005~~) 2006 and \$4,000 of the general fund--state appropriation for fiscal year (~~2006~~) 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

(15) \$397,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forest, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(16) Within existing appropriations, the department shall implement the wildfire prevention and protection work group as defined in Substitute Senate Bill No. 6603 (wildfire prevention).

(17) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a work group to study existing legislation affecting the oil and natural gas industry, and to make recommendations to that legal framework to improve the regulatory, technical, environmental, and financial framework of the oil and gas industry. The department

shall report its recommendations to the legislature by December 30, 2006.

(18) \$35,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5179 (forest health). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(19) \$719,000 of the surface mining reclamation account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6175 (surface mining). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 309. 2005 c 518 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)	(\$11,000,000)
	\$10,979,000
General Fund--State Appropriation (FY 2007)	(\$10,443,000)
	\$12,271,000
General Fund--Federal Appropriation	(\$10,608,000)
	\$10,634,000
General Fund--Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Appropriation	(\$1,986,000)
	\$1,990,000
Water Quality Account--State Appropriation	(\$968,000)
	\$972,000
State Toxics Control Account--State Appropriation	(\$3,416,000)
	\$3,555,000
Water Quality Permit Account--State Appropriation .	\$238,000
Pension Funding Stabilization Account--State Appropriation	\$39,000
TOTAL APPROPRIATION .	(\$39,072,000)
	\$41,091,000

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

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) ~~(\$46,000)~~ \$306,000 of the general fund--state appropriation for fiscal year 2006 (~~is~~) and \$160,000 of the

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general fund--state appropriation for fiscal year 2007 are provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

(11) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 3033 (animal identification). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute Senate Bill No. 6508 (renewable fuel). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support noxious weed boards.

(14) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purchase of agricultural products equipment. The department shall negotiate an appropriate agreement with the agriculture industry for the use of the equipment.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for spartina eradication efforts.

(16) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6377 (milk and milk products). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 310. 2005 c 518 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust
Account--State Appropriation ((\$861,000))
\$864,000

(End of part)

**PART IV
TRANSPORTATION**

Sec. 401. 2005 c 518 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2006) . ((\$1,886,000))
\$1,535,000
General Fund--State Appropriation (FY 2007) . ((\$1,787,000))
\$1,704,000
Architects' License Account--State Appropriation . ((\$728,000))

Cemetery Account--State Appropriation \$715,000
(((\$224,000))
\$220,000
Professional Engineers' Account--State Appropriation
..... ((\$3,179,000))
\$3,217,000
Real Estate Commission Account--State Appropriation
..... ((\$7,583,000))
\$7,605,000
Master License Account--State Appropriation . ((\$11,593,000))
\$11,557,000
Uniform Commercial Code Account--State Appropriation
..... ((\$2,936,000))
\$2,861,000
Real Estate Education Account--State Appropriation \$275,000
Real Estate Appraiser Commission
Account--State Appropriation ((\$1,345,000))
\$1,566,000
Business and Professions Account--State Appropriation
..... ((\$7,927,000))
\$9,605,000
Real Estate Research Account--State Appropriation ((\$301,000))
\$321,000
((Wildlife Account--State Appropriation \$13,000))
Funeral Directors and Embalmers
Account--State Appropriation ((\$534,000))
\$531,000
Geologists' Account--State Appropriation ((\$34,000))
\$47,000
Data Processing Revolving Account--State Appropriation
..... \$29,000
Derelict Vessel Removal Account--State Appropriation \$31,000
Pension Funding Stabilization Account--State
Appropriation \$30,000
TOTAL APPROPRIATION . ((\$40,405,000))
\$41,849,000

(1) The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$7,685,000 of the business and professions account--state appropriation is subject to enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

(3) \$1,653,000 of the master license account--state appropriation is subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund--state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$180,000 of the real estate appraiser commission account--state appropriation is provided solely to implement Senate Bill No. 5274 (real estate appraisers). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

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(6) \$56,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2596 (cosmetology apprenticeship). If the bill is not enacted by June 30, 2006, the amount provided for in this subsection shall lapse.

(7) \$148,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 6364 (recreational vehicles). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 402. 2005 c 518 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006)	(\$36,089,000)
	\$37,601,000
General Fund--State Appropriation (FY 2007)	(\$30,702,000)
	\$32,753,000
General Fund--Federal Appropriation	(\$4,356,000)
	\$4,364,000
General Fund--Private/Local Appropriation	(\$595,000)
	\$596,000
Death Investigations Account--State Appropriation	
	(\$5,615,000)
	\$4,628,000
Public Safety and Education Account--State	
Appropriation	(\$4,941,000)
	\$3,388,000
Enhanced 911 Account--State Appropriation	\$573,000
County Criminal Justice Assistance	
Account--State Appropriation	(\$2,883,000)
	\$2,895,000
Municipal Criminal Justice Assistance	
Account--State Appropriation	(\$1,154,000)
	\$1,157,000
Fire Service Trust Account--State Appropriation	\$131,000
Fire Service Training Account--State Appropriation	
	(\$7,550,000)
	\$7,560,000
State Toxics Control Account--State Appropriation	(\$468,000)
	\$469,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation	\$313,000
Fingerprint Identification	
Account--State Appropriation	(\$6,257,000)
	\$6,270,000
Disaster Response Account--State Appropriation	\$2,000
(DNA Data Base Account--State Appropriation	...
Aquatic Invasive Species Prevention Account--State	...
Appropriation	(\$222,000)
Aquatic Invasive Species Enforcement Account--State	...
Appropriation	(\$15,000)
Pension Funding Stabilization Account--State	...
Appropriation	\$102,000
TOTAL APPROPRIATION	(\$102,001,000)
	\$102,947,000

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

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ~~(\$222,000)~~ \$145,000 of the aquatic invasive species ~~(prevention)~~ enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2006 ~~(is)~~ and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) If funding is provided through a federal grant or through a memorandum of understanding with a local government, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency, to be implemented on a timeline agreed to by the patrol and the agency granting the fund source. The Washington state patrol shall notify the appropriate fiscal and policy committees of the legislature in writing upon the receipt of such federal moneys or upon the effective date of a memorandum of understanding with a local government.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6519 (sex offender registration). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

Sec. 501. 2005 c 518 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006)	(\$12,946,000)
	\$13,452,000
General Fund--State Appropriation (FY 2007)	(\$12,870,000)
	\$17,151,000
General Fund--Federal Appropriation	(\$30,248,000)
	\$23,090,000
TOTAL APPROPRIATION	(\$56,064,000)
	\$53,693,000

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

(a) ~~(\$10,836,000)~~ \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$10,910,000)~~ \$10,980,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$428,000)~~ \$547,000 of the general fund--state appropriation for fiscal year 2007 are provided

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solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and \$504,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) ~~(\$100,000)~~ \$607,000 of the general fund--state appropriation for fiscal year 2006 ~~(*)~~ and \$592,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) ~~(\$950,000)~~ \$1,900,000 of the general fund--state appropriation ~~(for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely)~~ is for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$78,000)~~ \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided for deposit in the Washington natural science, wildlife, and environmental education partnership account for grants

pursuant to RCW 28A.300.440. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Senate Bill No. 6219 (financial literacy). If the bill is not enacted by June 30, 2006, the amount in this section is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$64,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to conduct further evaluation of issues raised in the recently completed joint legislative audit and review committee report on the accounting of special education excess costs. Within the amounts provided in this subsection, the office of the superintendent of public instruction will convene a work group to evaluate modifying or replacing the current 1077 methodology. This work group will deliver a report to the appropriate committees of the legislature, including the joint legislative audit and review committee, and the office of financial management, by January 1, 2007. The work group will take into consideration recommendations of the Washington learns steering committee.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$10,192,000)
	\$12,341,000
General Fund--State Appropriation (FY 2007)	(\$10,155,000)
	\$18,884,000
General Fund--Federal Appropriation	(\$47,465,000)
	\$58,112,000
TOTAL APPROPRIATION	(\$67,812,000)
	\$89,337,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

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(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) (~~(\$11,600,000)~~) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies at preventing youth suicide.

(viii) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6580 (school notification about sex and kidnapping offenders), including section 2 of that act.

(ix) \$45,000 of the general fund state--state appropriation for fiscal year 2007 is provided solely for the development of safe school plan standards. By December 1, 2006, the Washington state school safety center advisory committee, in consultation with the superintendent of public instruction shall prepare a report with: (1) The recommended standards; (2) a potential implementation plan for those standards statewide; and (3) detailed information on the costs and other impacts on school districts from implementing the standards. The development of standards shall address requirements for school mapping and shall include a review of current research regarding safe school planning.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of ~~(\$548,000)~~ \$1,059,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$511,000 of the general fund--state appropriation for fiscal year 2007 is provided for additional conditional scholarships to candidates seeking an endorsement in special education, math, science, and bilingual education.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) (~~(\$1,521,000)~~) \$1,911,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) (~~(\$8,292,000)~~) \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

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(xi) ~~(\$19,587,000)~~ \$24,490,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$2,148,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas and heating oil.

(xvii) \$22,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xviii) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot grant program related to serving students in staffed residential homes. The pilot grant program will be established in at least five school districts. The districts eligible for the pilot grant program shall be limited to school districts with a concentration of students residing in staffed residential homes greater than or equal to 1.3 full time equivalent students per 1,000 K-12 public students. The amount of funding for each pilot grant district shall be in proportion to the degree of concentration of staffed residential home students residing and served in each respective district, and other criteria as determined by the office of the superintendent of public instruction. Funding in the pilot grant program shall not be considered part of the basic education program.

(A) The pilot grant program is intended to: (I) Identify the fiscal and educational challenges posed to districts that serve staffed residential homes students; (II) provide resources to assist school districts in developing best practices for addressing these challenges; (III) address costs resulting from high concentrations of staffed residential home students in some school districts; (IV) develop models of collaboration between school districts and staffed residential homes; and (V) gain additional information on the variety of circumstances and needs present in the staffed residential home population, including both special education and nonspecial education eligible students.

(B) As a condition of the pilot grant program, the selected school districts must meet the following criteria: (I) Jointly develop, with staffed residential homes in their community, a model policy and plan for collaboration and information sharing, which includes an agreed upon routine of regular communication regarding each child's progress, including for special education students the development and regular updating of individualized education programs; (II) provide an annual progress report regarding the implementation of the model policy and plan and measured progress toward meeting the educational needs of students in staffed residential homes; and (III) provide information and data to the office of the superintendent of public instruction as required for the study detailed in (D) of this subsection (c)(xviii).

(C) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction, with the assistance of the department of social and health services, to prepare a report to the appropriate policy and fiscal committees of the legislature and the office of financial management on: (I) The number of students residing at each staffed residential home by school district; (II) the specific types of needs of students residing at each staffed residential home; and (III) an overview of the differences in the programs being offered at staffed residential homes and the ranges of costs associated with these programs; and (IV) a summary of the current types of collaboration between school districts and staffed residential homes. This report shall be submitted by November 30, 2006.

(D) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to report to the appropriate policy and fiscal committees of the legislature and the office of financial management on the results of the pilot grant program established in this subsection (c)(xviii), including a description of the impact on the educational services delivered to the students residing at each staffed residential home. Based on the results of the pilot grant program, the office of the superintendent of public instruction may make recommendations regarding best practices for meeting the needs of students residing in staffed residential homes, and fostering collaboration with staffed residential homes. This report shall be submitted by June 30, 2007.

(E) For those students residing in staffed residential homes who are special education eligible, school districts are eligible to pursue safety net funding beyond the pilot grant program amounts so that the combined basic education allocation, special education excess cost allocation, pilot grant amount, and safety net grants recognize the costs associated with serving staffed residential home students potentially concentrated in a few school districts.

(F) For purposes of this subsection (c)(xviii), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

Sec. 502. 2005 c 518 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2006)	((\$4,180,957,000))
	\$4,193,442,000
General Fund--State Appropriation (FY 2007)	((\$4,243,010,000))
	\$4,281,807,000
Pension Funding Stabilization Account Appropriation	\$28,548,000
	TOTAL APPROPRIATION((\$8,423,967,000))
	\$8,503,797,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional

full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each

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additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((10.90))~~ 11.21 percent in the 2005-06 school year and ~~((11.90))~~ 13.02 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((14.57))~~ 14.07 percent in the 2005-06 school year and ~~((15.82))~~ 15.99 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of ~~((9,285))~~ \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of ~~((22,802))~~ \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of ~~((17,692))~~ \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the

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2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((7,621,000))~~ \$12,992,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of ~~((523,000))~~ \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of ~~((2,035,000))~~ \$2,385,000 for the 2007 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of ~~((365,000))~~ \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and ~~((787,000))~~ \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to ~~((1,181,000))~~ \$1,244,000 for the 2005-07 biennium. Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

(f) \$4,943,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time allocations for equipment replacement in vocational programs and skills centers. The funding shall be allocated based on \$75 per full time equivalent vocational student and \$125 per full time equivalent skills center student.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and ~~((3.4))~~ 5.2 percent from the 2005-06 school year to the 2006-07 school year.

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(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2005 c 518 s 503 (unmodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on (~~March 18, 2005~~) March 6, 2006, at (~~(+0:00)~~) 05:25 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on (~~April 6, 2005~~) March 6, 2006, at (~~(+0:00)~~) 05:25 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of (~~(+0:26)~~) 10.57 percent for school year 2005-06 and (~~(+1:26)~~) 12.38 percent for school year 2006-07 for certificated staff and for classified staff (~~(+1:07)~~) 10.57 percent for school year 2005-06 and (~~(+2:32)~~) 12.49 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924

1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003
12				43,055	46,189	48,428	46,255	49,292	51,532
13					47,688	49,993	47,720	50,791	53,096
14					49,194	51,618	49,227	52,396	54,721
15					50,474	52,961	50,507	53,758	56,144
16 or more					51,483	54,019	51,517	54,833	57,266

~~((K-12 Salary Allocation Schedule For Certificated Instructional Staff~~

~~2006-07 School Year~~

Years of Service	BA-	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241))

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2006-07 School Year

<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 or PHD</u>
<u>0</u>	<u>31,386</u>	<u>32,234</u>	<u>33,112</u>	<u>33,992</u>	<u>36,817</u>	<u>38,636</u>	<u>37,629</u>	<u>40,454</u>	<u>42,275</u>
<u>1</u>	<u>31,808</u>	<u>32,668</u>	<u>33,557</u>	<u>34,476</u>	<u>37,330</u>	<u>39,140</u>	<u>38,047</u>	<u>40,901</u>	<u>42,710</u>
<u>2</u>	<u>32,211</u>	<u>33,079</u>	<u>33,978</u>	<u>34,967</u>	<u>37,813</u>	<u>39,641</u>	<u>38,469</u>	<u>41,314</u>	<u>43,143</u>
<u>3</u>	<u>32,626</u>	<u>33,502</u>	<u>34,410</u>	<u>35,432</u>	<u>38,272</u>	<u>40,144</u>	<u>38,868</u>	<u>41,706</u>	<u>43,579</u>
<u>4</u>	<u>33,033</u>	<u>33,947</u>	<u>34,861</u>	<u>35,918</u>	<u>38,775</u>	<u>40,661</u>	<u>39,286</u>	<u>42,143</u>	<u>44,030</u>
<u>5</u>	<u>33,453</u>	<u>34,372</u>	<u>35,295</u>	<u>36,410</u>	<u>39,257</u>	<u>41,180</u>	<u>39,711</u>	<u>42,559</u>	<u>44,483</u>
<u>6</u>	<u>33,885</u>	<u>34,784</u>	<u>35,738</u>	<u>36,909</u>	<u>39,742</u>	<u>41,676</u>	<u>40,147</u>	<u>42,981</u>	<u>44,913</u>
<u>7</u>	<u>34,644</u>	<u>35,556</u>	<u>36,523</u>	<u>37,758</u>	<u>40,633</u>	<u>42,620</u>	<u>40,964</u>	<u>43,838</u>	<u>45,826</u>
<u>8</u>	<u>35,755</u>	<u>36,717</u>	<u>37,707</u>	<u>39,044</u>	<u>41,957</u>	<u>44,018</u>	<u>42,249</u>	<u>45,163</u>	<u>47,223</u>
<u>9</u>		<u>37,919</u>	<u>38,958</u>	<u>40,343</u>	<u>43,325</u>	<u>45,455</u>	<u>43,547</u>	<u>46,531</u>	<u>48,661</u>
<u>10</u>			<u>40,224</u>	<u>41,709</u>	<u>44,730</u>	<u>46,932</u>	<u>44,915</u>	<u>47,937</u>	<u>50,137</u>
<u>11</u>				<u>43,115</u>	<u>46,202</u>	<u>48,448</u>	<u>46,321</u>	<u>49,409</u>	<u>51,653</u>
<u>12</u>				<u>44,476</u>	<u>47,714</u>	<u>50,026</u>	<u>47,782</u>	<u>50,919</u>	<u>53,233</u>
<u>13</u>					<u>49,262</u>	<u>51,644</u>	<u>49,295</u>	<u>52,468</u>	<u>54,849</u>
<u>14</u>					<u>50,818</u>	<u>53,322</u>	<u>50,852</u>	<u>54,125</u>	<u>56,528</u>
<u>15</u>					<u>52,140</u>	<u>54,709</u>	<u>52,174</u>	<u>55,533</u>	<u>57,998</u>
<u>16 or more</u>					<u>53,183</u>	<u>55,802</u>	<u>53,217</u>	<u>56,643</u>	<u>59,157</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The

additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

Sec. 504. 2005 c 518 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2006)	(\$73,981,000)
	\$74,336,000
General Fund--State Appropriation (FY 2007)	(\$186,968,000)
	\$241,576,000
Education Legacy Trust Account--State Appropriation	\$470,000
Pension Funding Stabilization Account Appropriation	\$1,543,000
General Fund--Federal Appropriation	(\$864,000)
	\$1,043,000
TOTAL APPROPRIATION	(\$262,283,000)
	\$318,968,000

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

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(1) (~~(\$135,669,000)~~) \$190,375,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another (~~(+7)~~) 3.3 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of (~~(+0.26)~~) 10.57 percent for the 2005-06 school year and (~~(+1.26)~~) 12.38 percent for the 2006-07 school year for certificated staff and (~~(+1.07)~~) 10.57 percent for the 2005-06 school year and (~~(+2.32)~~) 12.49 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	((\$0.28)) <u>\$0.27</u>	((\$0.68)) <u>\$1.06</u>
Highly Capable (per formula student)	\$2.96	((\$7.26)) <u>\$11.40</u>
Transitional Bilingual Education (per eligible bilingual student)	((\$7.92)) <u>\$7.94</u>	((\$19.44)) <u>\$30.52</u>
Learning Assistance (per formula student)	\$1.69	((\$4.14)) <u>\$6.50</u>

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and (~~(\$676,000)~~) \$1,022,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) (~~(\$126,614,000)~~) \$129,905,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and (~~(\$679.39)~~) \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	((\$0.88)) <u>\$0.91</u>
Highly Capable (per formula student)	((\$2.89)) <u>\$2.88</u>	((\$5.97)) <u>\$6.16</u>
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	((\$15.69)) <u>\$16.20</u>
Learning Assistance (per formula student)	\$1.49	((\$3.11)) <u>\$3.21</u>

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2005 c 518 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2006)	((\$242,170,000)) <u>\$247,541,000</u>
General Fund--State Appropriation (FY 2007)	((\$248,575,000)) <u>\$252,607,000</u>
Pension Funding Stabilization Account Appropriation	<u>\$755,000</u>
TOTAL APPROPRIATION	((\$490,745,000)) <u>\$500,903,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of (~~(\$812,000)~~) \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of (~~(\$41.51)~~) \$42.52 per weighted mile in the 2005-06 school year and (~~(\$42.01)~~) \$42.30 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is a one-time increase of \$1.12 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost

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shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

Sec. 506. 2005 c 518 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2006)	....	\$3,147,000
General Fund--State Appropriation (FY 2007)	....	\$3,159,000
General Fund--Federal Appropriation	.....	(\$288,774,000)
		<u>\$270,423,000</u>
TOTAL APPROPRIATION		(\$295,080,000)
		<u>\$276,729,000</u>

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

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 507. 2005 c 518 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$460,032,000)
	<u>\$464,812,000</u>
General Fund--State Appropriation (FY 2007)	(\$471,961,000)
	<u>\$478,191,000</u>
General Fund--Federal Appropriation	..... (\$435,464,000)
	<u>\$435,664,000</u>
Pension Funding Stabilization Account Appropriation	
.....	<u>\$3,234,000</u>
TOTAL APPROPRIATION	(\$1,367,457,000)
	<u>\$1,381,901,000</u>

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

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

Sec. 508. 2005 c 518 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2006)	. ((\$3,694,000))
	\$3,691,000
General Fund--State Appropriation (FY 2007)	. ((\$3,724,000))
	\$3,711,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$28,000
TOTAL APPROPRIATION	. ((\$7,418,000))
	\$7,430,000

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2005 c 518 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2006)	((\$174,465,000))
	\$173,153,000
General Fund--State Appropriation (FY 2007)	((\$182,702,000))
	\$190,957,000
TOTAL APPROPRIATION	((\$357,167,000))
	\$364,110,000

Sec. 510. 2005 c 518 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	((\$19,084,000))
	\$18,078,000
General Fund--State Appropriation (FY 2007)	((\$19,673,000))
	\$18,237,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$117,000
TOTAL APPROPRIATION	. ((\$38,757,000))
	\$36,432,000

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

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ~~(\$219,000)~~ \$236,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$219,000)~~ \$236,000 of the general fund-- state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2005 c 518 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2006)	. (\$6,860,000)
	\$6,900,000
General Fund--State Appropriation (FY 2007)	. (\$6,926,000)
	\$6,974,000
Pension Funding Stabilization Account Appropriation	\$44,000
TOTAL APPROPRIATION	. (\$13,786,000)
	\$13,918,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ~~(\$347.24)~~ \$347.93 per funded student for the 2005-06 school year and ~~(\$349.48)~~ \$351.98 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 512. 2005 c 518 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$43,076,000)
	\$45,382,000
General Fund--State Appropriation (FY 2007)	(\$40,427,000)
	\$51,297,000
General Fund--Federal Appropriation	(\$123,345,000)
	\$147,799,000
TOTAL APPROPRIATION	(\$206,848,000)
	\$244,478,000

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

(1) ASSESSMENT

~~(\$19,810,000)~~ (a) \$21,946,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$16,105,000)~~ \$21,491,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$16,111,000)~~ \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to: (i) Investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (ii) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (iii) develop recommendations for (i) and (ii) of this subsection (a). Funds provided in this section are sufficient to implement section 5 of Engrossed Substitute Senate Bill No. 6475 (alternative assessment options).

(b) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education), including section 2 of that act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) regarding reimbursement of diagnostic assessments.

(2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level I in mathematics.

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(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) ~~(\$3,010,000)~~ \$3,180,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$4,018,000)~~ \$4,358,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses, and mandatory fringe benefits, for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) ~~(\$90,399,000)~~ \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~((3))~~ (4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$338,000)~~ \$488,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who

works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

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(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) ~~(\$16,758,000)~~ \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates. The office of the superintendent of public instruction shall develop and publish the criteria for awarding grants by July 2006.

(i) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(ii) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(iii) The office of the superintendent of public instruction shall issue a report to the legislature in the 2007 session on the progress of each of the pilot programs.

~~((4))~~ (5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,500,000)~~ \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for: (i) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (ii) to eliminate the co-pay for students eligible for reduced price lunch eating breakfast;

and (iii) for additional assistance for school districts initiating a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$125,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((5))~~ (6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired

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by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

Sec. 513. 2005 c 518 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2006)	((59,673,000))
	\$58,205,000
General Fund--State Appropriation (FY 2007)	((63,535,000))
	\$61,608,000
General Fund--Federal Appropriation	((45,561,000))
	\$51,741,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$504,000</u>
TOTAL APPROPRIATION	((168,769,000))
	\$172,058,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~((757.72))~~ \$759.58 per eligible bilingual student in the 2005-06 school year and ~~((763.70))~~ \$770.40 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 514. 2005 c 518 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	((65,434,000))
	\$65,018,000
General Fund--State Appropriation (FY 2007)	((65,367,000))
	\$64,626,000
Education Legacy Trust Account--State Appropriation	\$24,605,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$553,000</u>
General Fund--Federal Appropriation	((343,227,000))
	\$348,351,000
TOTAL APPROPRIATION	((498,633,000))
	\$503,153,000

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

(1) The general fund--state ~~((and education legacy trust account))~~ appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~((184.29))~~ \$184.69 per funded student for the 2005-06 school year and ~~((186.03))~~ \$187.97 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ~~((twelve))~~ ten for the 2006-07 school year. ~~((Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASTE.))~~

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 515. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS

General Fund--State Appropriation (FY 2006)	. . . . \$3,842,000
General Fund--State Appropriation (FY 2007)	. . . \$23,879,000
Pension Funding Stabilization Account Appropriation	\$189,000
TOTAL APPROPRIATION	. . . \$27,910,000

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

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(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (d) and (e)(i) of this subsection.

(c) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 12 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to ensure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(d) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(e) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.50 for maintenance, operations, and transportation;
- (ii) \$12.00 for pre- and post-remediation assessments;
- (iii) \$17.00 per reading remediation student unit;
- (iv) \$8.00 per mathematics remediation student unit; and
- (v) \$8.00 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$708,000 of the general fund--state appropriation for fiscal year 2006 and \$3,408,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional one-time allocations to offer remedial programs for students in the class of 2007 or other students who have not

achieved success on the tenth grade WASL. The formula for distributing the allocations to school districts shall include amounts for students in the class of 2007 who register to retake the WASL and want remedial assistance, and other factors as determined by the office of the superintendent of public instruction. Before making the allocations from the funding provided in this subsection, the office of the superintendent of public instruction shall consult with the office of financial management to ensure that the proposed allocations will achieve efficient and effective program delivery and that they are one-time in nature.

(5) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(6) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

Sec. 516. 2005 c 518 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation
..... (~~\$629,356,000~~)
\$630,537,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2006, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2006 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 518. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2006)	\$100,000
General Fund--State Appropriation (FY 2007)	\$32,504,000
General Fund--Federal Appropriation	\$180,000
TOTAL APPROPRIATION	\$32,784,000

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

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(d) Measurable goals and evaluation methodology to determine impact;

(e) Integration of reading strategies from the Washington state early learning and development benchmarks;

(f) A plan for marketing and public relations;

(g) Strategies for sustaining the program when grant funding is no longer available; and

(h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(4) If a bill creating the department of early learning is not enacted by June 30, 2006, the appropriations for the department of early learning in this section shall lapse and shall be appropriated as follows:

(a) FOR THE DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2007) . . . \$29,941,000

This appropriation is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(b) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE AGENCY OPERATIONS

General Fund--State Appropriations (FY 2007) \$525,000

This appropriation is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts and shall be used in accordance with the requirements set forth in subsection (2) of this section.

(c) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2007) \$1,000,000

General Fund--Federal Appropriation \$180,000

TOTAL APPROPRIATION \$1,180,000

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

(i) \$180,000 of the general fund--federal appropriation is provided solely for the headstart--state collaboration office.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(d) The remainder of the appropriations in this section shall lapse.

(End of part)

**PART VI
HIGHER EDUCATION**

Sec. 601. 2005 c 518 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections (~~603~~) 602 through (~~609~~) 608 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2005-06 Annual Average		2006-07 Annual Average	
University of Washington				
Main campus	33,037		((33,217))	<u>33,367</u>
Bothell branch	1,340		1,540	
Tacoma branch	1,644		1,869	
Washington State University				
Main campus	((18,695))	<u>18,696</u>	((18,910))	<u>19,007</u>
Tri-Cities branch	((675))	<u>690</u>	((700))	<u>715</u>
Vancouver branch	1,353		1,678	
Central Washington University	8,323		8,649	
Eastern Washington University	8,593		8,919	
The Evergreen State College	4,038		4,143	
Western Washington University	((11,559))	<u>11,534</u>	((11,729))	<u>11,704</u>
State Board for Community and Technical Colleges	130,905		((133,040))	<u>133,227</u>
<u>Higher Education Coordinating Board</u>			<u>80</u>	

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

Sec. 602. 2005 c 518 s 603 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND
TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2006)	((\$556,499,000))
	\$558,880,000
General Fund--State Appropriation (FY 2007)	((\$556,220,000))
	\$587,085,000
Administrative Contingency Account--State Appropriation	\$2,950,000
Education Legacy Trust--State Appropriation	\$46,669,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$1,276,000</u>
TOTAL APPROPRIATION	((\$1,172,338,000))
	\$1,196,860,000

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

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$539,000 of the general fund--state appropriation for fiscal year 2006 and \$540,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund--state appropriation for fiscal year 2006 and \$28,761,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as special

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funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,000,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,000,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;

(b) Increase the number of students prepared for work; and

(c) Increase the number of basic skills students who demonstrate substantive skill gain.

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$11,070,000 of the education legacy trust appropriation for fiscal year 2006 and \$22,599,000 of the education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,050 student FTEs in academic year 2006 and an additional 2,135 student FTEs in academic year 2007. By December 15th of each year of the 2005-07 fiscal biennium, the board shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(9) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. Beginning in fiscal year 2007, the state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments,

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provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 and \$2,950,000 of the administrative contingency account--state appropriation ((is) are provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the successful partnerships supported by these state funds. The board, through the smart buy program, is encouraged to seek efficiencies in purchasing goods and services. Additional funds may be expended for the job skills program to the extent that savings are achieved from more efficient procurement processes.

(12) \$904,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for start-up and planning funds for four applied baccalaureate degree programs at community and technical colleges as authorized in RCW 28B.50.810. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for three community and technical college partnerships with universities as authorized in RCW 28B.50.820. This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 120 student FTEs in this program within the targeted enrollments established by section 601 of this act.

(14) \$761,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the opportunity grants pilot program to provide funding for a program designed to test strategies for increasing access to postsecondary education for low income students in job-specific programs.

(a) Grant funds may be used for tuition, books, fees, and other expenses associated with attending a work force education program.

(b) Students must be enrolled and maintain satisfactory progress in a program linked to skills standards or industry credentials.

(c) Community and technical colleges that are selected as pilot colleges to administer the opportunity grants shall coordinate student benefits with the higher education coordinating board for those students who are also accessing traditional forms of financial aid, such as the state need grant, pell grant, and other aid programs administered by the higher education coordinating board under their authority in RCW 28B.76.500. Funds disbursed under this section shall not supplant federal grant or work-study forms of financial aid.

(d) The state board for community and technical colleges and the higher education coordinating board shall jointly conduct an evaluation and submit a report to the legislature and the governor no later than November 15, 2008.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for community and technical colleges to work with a nonprofit organization that has been

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established to address work force development issues by a recognized statewide organization of employers representing a majority of employers in the state and the workforce education training board, to identify high demand occupations, convene industry groups to develop or utilize skills standards and credentials in those occupations and market the standards and credentials to educational institutions and employers.

(17) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Substitute House Bill No. 3113 (access to higher education). This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 250 student FTEs in this program within the targeted enrollments established by section 601 of this act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely as matching funds for strategic statewide partnerships with health care providers or facilities to address the health workforce shortage. Partnerships funded under this subsection may include efforts to increase the capacity of community and technical colleges to educate students enrolled in health professions programs, improve retention of health care workers, improve knowledge of the health industry workforce, and increase the number of youth and diverse populations in the health work force. Health care providers or facilities participating in partnerships under this subsection shall provide a one dollar match for each state dollar provided.

(19) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the fire fighter apprenticeship program at South Seattle Community College.

(20) \$275,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the transitions math project. The state board will serve as the fiscal agent for the project. The project will include representation from the K-12 system, the community and technical colleges, and public four-year institutions. The project will: (a) Provide outreach and standards-based instructional materials to support local high school and college partnerships to enhance student expectations regarding college math courses; and (b) improve the math placement testing process at Washington's colleges and universities.

(21) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase enrollments by 187 full-time equivalent students in high-demand fields in fiscal year 2007. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. The state board for community and technical colleges shall track enrollments, graduation rates, and job placement for each program that receives high-demand enrollments using data provided by each recipient institution. The board shall report on these outcomes by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature. The enrollment increases provided in this subsection shall be limited to new students only and may not be used to pay for students currently enrolled by the institutions.

(22) \$140,000 of the general fund--state appropriation is provided solely to implement a nursing faculty retention and recruitment pilot project. Yakima valley community college and another community college located in the western part of the state selected by the board will receive funding to raise nursing faculty salaries by \$10,000 for fiscal year 2007. The board will report to the legislature by January 1, 2007, on the impact of the pilot project on nursing faculty retention and recruitment.

(23)(a) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 6326 (customized workforce). If the

bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(b) \$3,075,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for deposit into the employment training finance account, pursuant to Second Substitute Senate Bill No. 6326 (customized workforce). If the bill is not enacted by June 30, 2006, the amount deposited in this subsection shall lapse.

(24) \$768,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Second Substitute House Bill No. 2583 (community and technical college employees). If the bill is not enacted by June 30, 2006, the amount provided shall lapse.

(25) Funding is sufficient within the general fund--state appropriation for fiscal year 2007 for implementation of Engrossed Second Substitute House Bill No. 2582 (high school completion program).

Sec. 603. 2005 c 518 s 604 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006) ((\$336,644,000))	\$337,629,000
General Fund--State Appropriation (FY 2007) ((\$344,118,000))	\$352,714,000
General Fund--Private/Local Appropriation	\$300,000
Accident Account--State Appropriation	((\$6,204,000))
	\$6,209,000
Medical Aid Account--State Appropriation	((\$6,141,000))
	\$6,143,000
Education Legacy Trust--State Appropriation	\$10,748,000
Pension Funding Stabilization Account--State	
Appropriation	\$604,000
TOTAL APPROPRIATION ((\$704,155,000))	\$714,347,000

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

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding

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is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and (~~\$146,000~~) \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

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(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and (~~\$350,000~~) \$450,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase the university's capacity to conduct research in the life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

(18) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the college of education at the University of Washington to conduct a review of curriculum offered by public schools in Washington. The purpose of this review is to examine the extent to which the curriculum offered by these institutions fully and accurately include the history, contributions, and contemporary experiences of people of color. The review will include the identification of barriers which may impede school districts from successfully adopting and using these types of curriculum. The report by the university is due to the legislature by December 1, 2007.

(19) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for math engineering science achievement (MESA) Washington to establish centers throughout the state.

Sec. 604. 2005 c 518 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006) ((\$206,494,000))	
	\$206,511,000
General Fund--State Appropriation (FY 2007) ((\$211,870,000))	
	\$213,500,000
Education Legacy Trust--State Appropriation	\$11,162,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$293,000</u>
TOTAL APPROPRIATION ((\$429,526,000))	\$431,466,000

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

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the

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education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board,

WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(12) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

(14) \$5,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to publish a comprehensive reference book on Washington state local governments through the division of governmental studies and services. Copies of the publication shall be provided to the appropriate policy and fiscal committees of the legislature.

(15) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by the nonprofit institute by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

(16) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

Sec. 605. 2005 c 518 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006) (~~(\$46,137,000)~~
\$46,300,000
General Fund--State Appropriation (FY 2007) (~~(\$47,069,000)~~)

	<u>\$47,200,000</u>
Education Legacy Trust--State Appropriation	\$6,461,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$110,000
TOTAL APPROPRIATION	((\$99,667,000))
	<u>\$100,071,000</u>

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

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) \$212,000 of the general fund--state appropriation for fiscal year 2006 and (~~\$213,000~~) \$313,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northeast autism center to provide community based approaches to assisting children and adults with autism spectrum disorder and to include the establishment of a preschool at Eastern Washington University to serve children identified with autism spectrum disorder.

(4) \$158,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

Sec. 606. 2005 c 518 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006) ((\$45,379,000))	
	<u>\$45,671,000</u>
General Fund--State Appropriation (FY 2007) ((\$46,739,000))	

	<u>\$47,006,000</u>
Education Legacy Trust--State Appropriation	\$6,461,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$103,000
TOTAL APPROPRIATION	((\$98,579,000))
	<u>\$99,241,000</u>

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

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2006 and \$245,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund additional tuition waiver authority granted to the university in the 2005-07 biennial budget.

Sec. 607. 2005 c 518 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2006) ((\$25,586,000))	
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	\$25,661,000
General Fund--State Appropriation (FY 2007)	((\$26,174,000))
	\$26,980,000
Education Legacy Trust--State Appropriation	\$2,116,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	\$75,000
TOTAL APPROPRIATION	((\$53,876,000))
	\$54,832,000

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

(1) \$705,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,411,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 210 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the college shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state institute for public policy to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the educational needs of recent immigrant students who are not proficient in English and who are or have been enrolled in high school but have not met graduation requirements. The analysis shall include, but not be limited to, the type of programs provided, the geographic availability of programs, the identification of best practices, how the programs are funded, and the effectiveness of the programs. The analysis shall also include recommendations for improving the programs to better meet the needs of recent immigrant students and for expanding the availability of programs statewide. A report shall be submitted to the fiscal and education committees of the

legislature, the superintendent of public instruction, and the state board for community and technical colleges by December 1, 2006.

(4) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$140,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for sections 217 and 605 of Senate Bill No. 5763 (mental disorders treatment). If neither section 217 nor section 605 is enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$69,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(6) \$61,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin conducting the study of continued foster care support services outlined in Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$80,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to meet the demand for collective bargaining and bargaining unit training. All of the funding provided in this subsection shall be allocated to the labor education and research center to support such training and shall not be used for overhead expenses.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to update the list of cost-beneficial juvenile justice programs that the institute has previously published and to update the cost parameters used to estimate the benefits of such programs as outlined in Fourth Substitute House Bill No. 1483 (investing in youth program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin a study of the pilot program created in section 204(1)(w) of this act. Subject to the approval of the institute's board, the study shall measure improvements in the delivery of mental health services to children and shall include, at a minimum, an assessment of program outcomes and cost-effectiveness, including consideration of hospital utilization, residential or out-of-home placements, utilization of child welfare services, school attendance, and involvement in the juvenile justice system. The institute shall provide the appropriate committees of the legislature with an initial study plan and activity report by June 30, 2007.

(10) \$20,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for The Evergreen State College to record and document oral histories of tribal elders of the tribes in the area surrounding Hood canal and other long-term residents of the Hood canal area who have similar knowledge of the history of the conditions along Hood canal, including but not limited to reports of fish kills, changes in marine species behavior, fishing and harvesting histories, and other conditions related to the environmental health of Hood canal. Any documents, information, photographs, or other materials identified by a tribe as relating to tribal archaeological sites according to this subsection are exempt from public disclosure pursuant to RCW 42.17.310(1)(k). The Evergreen State College may retain no more than five percent of the funding in this section for costs associated with administering and conducting the program.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to perform a quantitative analysis of the effectiveness of the remedial programs funded as part of the promoting academic success program. The analysis should focus on determining: (a) The effectiveness of the remedial programs in helping students pass the WASL; (b) the relative

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effectiveness of different remedial strategies offered; and (c) the relative effectiveness of the remediation disaggregated by student characteristics, including, at a minimum, economic status, limited English proficiency, and ethnicity. The office of the superintendent of public instruction shall provide all data necessary to conduct such analyses, and shall help coordinate data collection directly from districts administering the remedial programs as necessary. An interim update shall be delivered to the education committees of the legislature on December 15, 2006, and a final report shall be delivered December 15, 2007.

(12) \$55,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to hire a meeting facilitator to conduct a series of meetings with a broad group of stakeholders to examine the strengths and weaknesses of educational services available to deaf and hard of hearing children throughout the state. By June 30, 2007, the institute must develop recommendations that would establish an integrated system of instructional and support programs that would provide deaf and hard of hearing children with the knowledge and skills necessary for them to be successful in their adult lives and the "hearing" world of work.

(13) \$48,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to conduct the studies required by sections 304 and 305 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). The institute shall report its findings to the governor and the appropriate standing committees of the legislature by January 1, 2007. If Engrossed Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$275,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to conduct the study required by Substitute Senate Bill No. 6618 (high school assessments). Specifically, the study will consist of three components: (a) An analysis of WASL data to identify the characteristics of the students who have failed to meet standard; (b) a review and identification of additional alternative assessment options that will augment the current assessment system; and (c) a review and identification of additional alternative methods, procedures, or combinations of performance measures to assess whether students have met the state learning standards. The institute must provide an interim report by December 1, 2006, and a final report by December 2007.

(15) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin the development of a repository of research and evaluations of the cost-benefits of various K-12 educational programs and services. The goal for the effort is to provide policymakers with additional information to aid in decision making. Further, the legislative intent for this effort is not to duplicate current studies, research, and evaluations but rather to augment those activities on an on-going basis. Therefore, to the extent appropriate, the institute shall utilize and incorporate information from the Washington learns study, the joint legislative audit and review committee, and other entities currently reviewing certain aspects of K-12 finance and programs. The institute shall provide the following: (a) By September 1, 2006, a detailed implementation plan for this project; (b) by March 1, 2007, a report with preliminary findings; and (c) annual updates each year thereafter.

Sec. 608. 2005 c 518 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	(\$58,896,000)
	\$58,993,000
General Fund--State Appropriation (FY 2007)	(\$60,514,000)
	\$61,435,000

Education Legacy Trust--State Appropriation	\$3,475,000
Pension Funding Stabilization Account--State	
Appropriation	\$161,000
TOTAL APPROPRIATION ((\$122,885,000))	\$124,064,000

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

(1) \$1,158,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,317,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 340 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$98,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

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(5) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided to help planning efforts to coordinate expansion of the university's campus to the Bellingham waterfront.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a planning and emergency management program at Western Washington University.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the border policy research institute at Western Washington University.

Sec. 609. 2005 c 518 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2006)	(\$2,665,000)
	\$5,666,000
General Fund--State Appropriation (FY 2007)	(\$2,684,000)
	\$6,549,000
General Fund--Federal Appropriation	(\$4,289,000)
\$4,291,000 Pension Funding Stabilization Account--State	
Appropriation	\$29,000
TOTAL APPROPRIATION	(\$9,638,000)
	\$16,535,000

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

(1) \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop college readiness standards for English and science.

(2) \$2,914,000 of the general fund--state appropriation for fiscal year 2006 and \$2,877,000 of the general fund--state appropriation for fiscal year 2007 are provided for financial aid administration, in addition to the four percent cost allowance provision for state work study under section 610(7) of this act. These amounts are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients contained in section 610 of this act after notifying the board and the office of financial management of the transfer.

(3) \$900,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to contract for 80 full-time equivalent students in high-demand fields in fiscal year 2007. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, up to \$20,000 may be used for management of the competitive process for awarding high-demand student FTEs during the 2005-07 biennium.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Regional universities, as defined by RCW 28B.10.016, and The Evergreen State College are eligible to apply for funding and may submit proposals.

(b) The board will establish a proposal review committee that will include, but not be limited to, representatives from the board, the office of financial management, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(c) Institutions that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for

graduates. The board will report on the implementation of this subsection by November 1st of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

Sec. 610. 2005 c 518 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006) ((\$159,363,000))	\$156,449,000
General Fund--State Appropriation (FY 2007) ((\$164,634,000))	\$162,843,000
General Fund--Federal Appropriation	(\$13,073,000)
	\$13,075,000
Education Legacy Trust--State Appropriation	\$62,910,000
Pension Funding Stabilization Account--State	
Appropriation	\$1,000
TOTAL APPROPRIATION ((\$399,980,000))	\$395,278,000

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

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are (~~provided solely~~) for the state need grant program. After April 1st of each fiscal year, (~~up to one percent of~~) uncommitted funds from the annual appropriation for the state need grant program may be transferred to the state work study (~~program~~) or educational opportunity grant programs and up to one percent may be transferred to the state education trust account as authorized in RCW 28B.92.140.

~~((5) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely) Of the amounts provided in this subsection, up to \$500,000 is to implement House Bill No. 1345 (part-time student financial aid). (If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.) The board may not expend more than the amount provided in this subsection to implement the bill.~~

~~((6))~~ (5) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington.

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~~((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

~~((7)) (6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$250,000)~~ \$750,000 of the general fund--state appropriation for the fiscal year 2007 are ~~((provided solely))~~ to support the future teachers' conditional scholarship and loan repayment program. Of this amount, \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the program by up to 70 additional slots for prospective teachers in special education, bilingual education, secondary mathematics, and secondary science.~~

~~((8)) (7) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are ~~((provided solely))~~ for the state work study program. After April 1st of each fiscal year, ~~((up to one percent of))~~ uncommitted funds from the annual appropriation for the state work study program may be transferred to the state need grant or educational opportunity grant programs. In addition to the administrative allowance in ~~((subsection (11) of this))~~ section 609(2) of this act, four percent of the general fund--state amount and the education legacy trust amounts in this subsection may be transferred to and expended for state work study program administration.~~

~~((9)) (8) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW ~~((28B.10.821))~~ 28B.92.140 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the educational opportunity grant program may be transferred to the state work study or state need grant programs.~~

~~((10)) (9) \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.~~

~~((11)) (10) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.~~

~~((12)) (11) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive~~

more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

~~((13)) (12) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, ~~(\$4,265,000)~~ \$4,325,000 of the general fund--state appropriation for fiscal year 2006 is ~~((provided solely))~~ for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004. Unexpended funds remaining after June 30, 2006, may be transferred to the state education trust account authorized in RCW 28B.92.140.~~

~~((14) \$2,963,000 of the general fund--state appropriation for fiscal year 2006 and \$2,958,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.))~~

(13) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time costs associated with stabilizing the GEAR-UP scholarship program.

(14) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,100,000 of the general fund--state appropriation for fiscal year 2007 are for the health professions loan repayment and scholarship program.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2006 and \$60,000 of the general fund--state appropriation for fiscal year 2007 are for the Washington center scholarship program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the board to contract with the Washington leadership 1000 scholarship fund. The funds shall be used to support, develop, and implement the leadership 1000 scholarship program which matches private benefactors with selected economically disadvantaged students who would otherwise be unable to attend college after depleting all other sources of scholarship and financial aid.

(17) By December 1st of each fiscal year, the board shall submit a report to the legislature detailing the outcomes from the previous year and a progress report on the current year for each of the student aid programs listed in this section: (a) The number of students served; (b) the award amount provided to students by sector; (c) the total amount spent; and (d) an explanation for any variation between the amount listed in the subsections and the amount expended.

Sec. 611. 2005 c 518 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2006)	\$1,225,000
General Fund--State Appropriation (FY 2007) . (\$1,231,000)	
	\$1,480,000
General Fund--Federal Appropriation	(\$53,890,000)
\$53,897,000 Pension Funding Stabilization Account--State	
Appropriation	\$7,000
TOTAL APPROPRIATION . (\$56,346,000)	\$56,609,000

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

(1) \$52,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2597 (private vocational schools). If the bill is not enacted by

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June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purpose of a study in coordination with the state board for community and technical colleges. The study shall include:

(a) A review of and recommendations for consolidating and simplifying the delivery of state-funded and federally funded work force education programs and work force education aid offered to students in this state, with a goal of achieving easier access to postsecondary education for students;

(b) A description of barriers that exist to combining work force education programs and work force education aid, such as state or federal statutes, rules, or regulations, and the relief that may be available through federal waivers;

(c) An estimate of the funding gap between available work force education aid and the financial needs of students living in this state;

(d) A description of barriers to access and completion of work force education programs in this state; and

(e) Recommendations for increasing participation and completion rates for work force education programs.

The work force training and education coordinating board must submit its report on the study to the legislature by November 15, 2006, and must coordinate its study and research with the Washington Learns study of postsecondary education.

(3) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2565 (worker training b & o tax). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 5717 (K-12 skill centers). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 612. 2005 c 518 s 613 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2006)	(\$1,446,000)
	\$1,483,000
General Fund--State Appropriation (FY 2007)	(\$1,476,000)
	\$1,514,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$8,000</u>
TOTAL APPROPRIATION	(\$2,922,000)
	\$3,005,000

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

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce, research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTI.

Sec. 613. 2005 c 518 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,322,000
General Fund--State Appropriation (FY 2007)	(\$2,349,000)
	\$2,356,000
General Fund--Federal Appropriation	(\$1,300,000)
	\$1,350,000
General Fund--Private/Local Appropriation (FY 2007)	(\$1,000)
	\$151,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$6,000</u>
TOTAL APPROPRIATION	(\$5,972,000)
	\$6,185,000

Sec. 614. 2005 c 518 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	(\$3,408,000)
	\$3,407,000
General Fund--State Appropriation (FY 2007)	(\$2,757,000)
	\$3,254,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$13,000</u>
TOTAL APPROPRIATION	(\$6,165,000)
	\$6,674,000

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

(1) \$102,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5707 (women's history consortium). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$262,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to coordinate and fund programs related to the Lewis and Clark bicentennial commemoration.

(3) \$155,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by the Pacific county sheriff's office resulting from Lewis and Clark bicentennial commemoration events.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by local law enforcement resulting from Lewis and Clark bicentennial commemoration events scheduled in the cities of Clarkston, Dayton, Kennewick, Stevenson, Toppenish, and Vancouver.

(5) \$491,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for increased costs associated with the discovery of Native American remains at the station camp unit of the Lewis and Clark national historic park. However, the funds provided in this subsection may not be used for financial settlement of any claims for Native American cultural damages or equitable relief.

Sec. 615. 2005 c 518 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	(\$1,636,000)
	\$1,633,000
General Fund--State Appropriation (FY 2007)	(\$1,630,000)
	\$1,631,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	<u>\$8,000</u>
TOTAL APPROPRIATION	(\$3,266,000)
	\$3,272,000

Sec. 616. 2005 c 518 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

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General Fund--State Appropriation (FY 2006)	.. ((\$5,133,000))
	\$5,149,000
General Fund--State Appropriation (FY 2007)	.. ((\$5,251,000))
	\$5,285,000
General Fund--Private/Local Appropriation	..... \$1,335,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	..... \$38,000
TOTAL APPROPRIATION	.. ((\$11,719,000))
	\$11,807,000

Sec. 617. 2005 c 518 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2006)	.. ((\$8,419,000))
	\$8,439,000
General Fund--State Appropriation (FY 2007)	.. ((\$8,613,000))
	\$8,709,000
General Fund--Private/Local Appropriation	..... \$232,000
<u>Pension Funding Stabilization Account--State</u>	
<u>Appropriation</u>	..... \$50,000
TOTAL APPROPRIATION	.. ((\$17,264,000))
	\$17,430,000

(End of part)

Sec. 701. 2005 c 518 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2006)	((\$694,444,000))
	\$640,544,000
General Fund--State Appropriation (FY 2007)	((\$668,119,000))
	\$683,019,000
State Building Construction Account--State	
Appropriation	..... ((\$3,924,000))
	\$5,924,000
State Taxable Building Construction	
Account--State Appropriation	..... ((\$139,000))
	\$539,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation	..... ((\$1,215,000))
	\$1,395,000
(Debt-limit General Fund Bond Retirement	
Account--State Appropriation	..... \$4,113,000)
Debt-Limit Reimbursable Bond Retirement	
Account--State Appropriation	..... \$2,583,000
TOTAL APPROPRIATION	((\$1,374,537,000))
	\$1,334,004,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

Sec. 702. 2005 c 518 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center	
Account--State Appropriation	..... \$29,411,000

Accident Account--State Appropriation	..... ((\$5,111,000))
	\$5,112,000
Medical Aid Account--State Appropriation	.... ((\$5,111,000))
	\$5,112,000
TOTAL APPROPRIATION	.. ((\$39,633,000))
	\$39,635,000

Sec. 703. 2005 c 518 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006)	... \$24,588,000
General Fund--State Appropriation (FY 2007)	... \$26,743,000
Nondebt-Limit Reimbursable Bond Retirement	
Account--State Appropriation	..... ((\$131,844,000))
	\$130,909,000
TOTAL APPROPRIATION	((\$183,175,000))
	\$182,240,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 2005 c 518 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006)	.... \$1,357,000
General Fund--State Appropriation (FY 2007)	.... \$1,357,000
State Building Construction Account--State Appropriation	..... \$1,080,000
State Taxable Building Construction	
Account--State Appropriation	..... ((\$13,000))
	\$78,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation	..... \$452,000
TOTAL APPROPRIATION	((\$4,259,000))
	\$4,324,000

Sec. 705. 2005 c 518 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation	((\$4,000,000))
	\$8,000,000

The sum of ((~~\$4,000,000~~)) \$8,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY

General Fund--State Appropriation (FY 2006) \$1,600,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707. A new section is added to 2005 c 518 (uncodified) to read as follows:

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FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Kirk F. Schultz, claim number SCJ 2006-01 . . . \$12,312
- (b) Scott A. King, claim number SCJ 2006-02 . . . \$9,922
- (c) Mark D. Huckaba, claim number SCJ 2006-03 . . . \$10,000
- (d) James D. Brittain, claim number SCJ 2006-02 . . . \$20,000

(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:

- (a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05 \$21,926
- (b) Venture Farms, claim number SCG 2005-03 . . . \$57,448
- (c) Patrick O'Hagen, claim number SCG 2006-02 . . . \$1,673
- (d) Patrick O'Hagen, claim number SCG 2006-03 . . . \$2,389
- (e) Swampapple Enterprises, Inc., claim number SCG 2006-04 \$3,574
- (f) Wilbur H. Mundy, claim number SCG 2006-05 . . . \$10,307
- (g) Sam Kayser, claim number SCG 2006-08 \$1,108
- (h) Richard Cordell, claim number SCG 2006-09 . . . \$4,076

(3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050: Darrin Erdahl, claim number SCO 2006-01 \$3,000

Sec. 708. 2005 c 518 s 713 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

- General Fund--State Appropriation (FY 2006) . . . \$32,450,000
- General Fund--State Appropriation (FY 2007) . . . ~~(\$38,550,000)~~

\$38,750,000

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2934 (survivor health benefits). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

- General Fund--State Appropriation (FY 2006) . . . ~~(\$6,000,000)~~

- \$6,601,000
- General Fund--State Appropriation (FY 2007) . . . ~~(\$6,000,000)~~

\$9,539,000

(3) There is appropriated for contributions to the judges retirement system:

- General Fund--State Appropriation (FY 2006) \$300,000
- General Fund--State Appropriation (FY 2007) \$300,000

TOTAL APPROPRIATION . . . ~~(\$83,600,000)~~

\$87,940,000

NEW SECTION. Sec. 709. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE GOVERNOR--EMERGENCY COMMUNICATIONS INTEROPERABILITY

- General Fund--State Appropriation (FY 2007) \$500,000

The appropriation in this section is subject to the following conditions and limitations: Funds are provided for acquisition and deployment of interoperable telecommunications devices to local jurisdictions. One program manager position is provided to assist local and state public safety providers improve their interoperability readiness and enhance levels of cooperation and coordination. The governor shall allocate these funds as necessary with consultive assistance from the state interoperability executive committee. The military department shall transfer ownership of the buildings and sufficient land currently used by the Camas school district to the Camas school district. The transfer shall not require any compensation.

Sec. 710. 2005 c 518 s 716 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--LIFE SCIENCES DISCOVERY FUND AUTHORITY

- General Fund--State Appropriation (FY 2006) \$150,000
- General Fund--State Appropriation (FY 2007) \$922,000

TOTAL APPROPRIATION \$1,142,000

The ~~((appropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The ~~((appropriation))~~ appropriations in this section ~~((is))~~ are provided solely for a grant to the life sciences discovery fund authority to be used in accordance with ~~((Engrossed Second Substitute Senate Bill No. 5581 (life sciences)))~~ chapter 424, Laws of 2005 (life sciences research). ~~((If the bill is not enacted by June 30, 2005, the appropriation in this section shall lapse.))~~

Sec. 711. 2005 c 518 s 720 (uncodified) is amended to read as follows:

STRATEGIC PURCHASING STRATEGY.

(1) The office of financial management shall work with the appropriate state agencies to generate savings of ~~(\$50,000,000, of which \$25,000,000 shall be)~~ \$22,202,000 from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by ~~(\$8 million)~~ \$3,368,000 for fiscal year 2006 and by ~~(\$17 million)~~ \$18,834,000 for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended. These unexpended amounts shall lapse to the state general fund at the end of each fiscal year.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis of the state's purchasing processes to identify the most reasonable strategy of attaining a statewide savings target of ~~(\$50,000,000)~~ \$22,202,000 from the state general fund without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall

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then be provided to the director of financial management by October 1, 2005, and updated as needed, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

(4) The state board for community and technical colleges shall not be subject to any allotment reduction resulting from the strategic purchasing strategy under this section.

NEW SECTION. Sec. 712. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
ENERGY FREEDOM ACCOUNT**

General Fund--State Appropriation (FY 2007) . . . \$23,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the energy freedom account. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 713. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2007) . . . \$1,100,000
Special Account Retirement Contribution

Increase Revolving Account Appropriation \$200,000
TOTAL APPROPRIATION \$1,300,000

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

(1) \$500,000 of the general fund--state appropriation for fiscal year 2007 and \$200,000 of the special account retirement contribution appropriation are provided solely to adjust agency appropriations to reflect increased employer contributions pursuant to Senate Bill No. 6453 (\$1000 minimum benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to reflect increased employer contributions pursuant to Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 714. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
WASHINGTON HOUSING TRUST FUND**

General Fund--State Appropriation (FY 2007) . . . \$14,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the Washington housing trust fund. If Engrossed Second Substitute House Bill No. 2418 (affordable housing) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 715. A new section is added to 2005 c 518 (uncodified) to read as follows:

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**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
PERSONNEL LITIGATION SETTLEMENT**

General Fund--State Appropriation (FY 2007) . . . \$11,813,000
Special Personnel Litigation Revolving

Account Appropriation \$10,689,000
TOTAL APPROPRIATION . . . \$22,502,000

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

(1) The entire appropriation is provided solely for the purposes of the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with LEAP document number 2006-S11 dated March 3, 2006.

NEW SECTION. Sec. 716. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
VETERANS INNOVATIONS PROGRAM ACCOUNT**

General Fund--State Appropriation (FY 2007) . . . \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the veterans innovations program account. If Engrossed Second Substitute House Bill No. 2754 (veterans' programs) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

Sec. 717. 2005 c 518 s 724 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

Sec. 718. 2005 c 518 s 725 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

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NEW SECTION. Sec. 719. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2007) \$54,000
The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to Grant county for extraordinary criminal justice costs.

NEW SECTION. Sec. 720. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- COMMUNITY HEALTH CARE COLLABORATIVE ACCOUNT

General Fund--State Appropriation (FY 2007) \$1,400,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit to the community health care collaborative account under Second Substitute Senate Bill No. 6459. If the bill is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 721. A new section is added to 2005 c 518 (uncodified) to read as follows:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239. Amounts provided in this act are sufficient to implement the provisions of sections 101 through 404 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances).

(End of part)

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2005 c 518 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Table with 2 columns: Description and Amount. Includes items like General Fund Appropriation for fire insurance premium distributions, public utility district excise tax distributions, prosecuting attorney distributions, boating safety and education distributions, other tax distributions, Death Investigations Account, Aquatic Lands Enhancement Account, Timber Tax Distribution, and County Criminal Justice Assistance.

Table with 2 columns: Description and Amount. Includes items like Municipal Criminal Justice Assistance Appropriation, Liquor Excise Tax Account Appropriation for liquor excise tax distribution, Liquor Revolving Account Appropriation for liquor profits distribution, City-County Assistance Account Appropriation for local government financial assistance distribution, and TOTAL APPROPRIATION.

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2005 c 518 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Table with 2 columns: Description and Amount. Includes Impaired Driving Safety Account Appropriation.

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2005 c 518 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Table with 2 columns: Description and Amount. Includes Impaired Driving Safety Account Appropriation.

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2005 c 518 s 804 (uncodified) is amended to read as follows:

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FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	(\$1,632,000)	<u>\$1,644,000</u>
General Fund Appropriation for federal flood control funds distribution	\$68,000	
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$84,500,000	
TOTAL APPROPRIATION	(\$86,200,000)	<u>\$86,212,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 805. 2005 c 518 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:
For transfer to the state general fund,
\$5,150,000 for fiscal year 2006 and \$5,150,000
for fiscal year 2007 \$10,300,000

General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007 \$300,000

Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007 \$1,557,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006 \$8,400,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$185,823,000

Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006 \$45,000,000

Health Services Account: For transfer to the tobacco prevention and control account ~~(\$23,366,000)~~
\$25,086,000

Health Services Account: For transfer to the water quality account \$7,885,000

Health Services Account: For transfer to the violence reduction and drug enforcement account \$6,932,000

Public Employees' and Retirees' Insurance Account:
For transfer to the state general fund,
\$40,000,000 for fiscal year 2006 and
\$45,000,000 for fiscal year 2007 \$85,000,000

Department of Retirement Systems Expense Account:
For transfer to the state general fund,
\$2,000,000 for fiscal year 2006 \$2,000,000

Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007 \$500,000

State Treasurer's Service Account: For transfer to the state general fund, ~~(\$5,500,000)~~ \$9,500,000
for fiscal year 2006 and ~~(\$5,000,000)~~ \$7,000,000
for fiscal year 2007 ~~(\$10,500,000)~~
\$16,500,000

General Fund: For transfer to the water quality

account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007	\$637,000
State Toxics Control Account: For transfer to the water quality account	\$12,500,000
Water Quality Account: For transfer to the water pollution control revolving account	(\$10,534,000) <u>\$16,534,000</u>
Pollution Liability Insurance Trust Account: For transfer to the state general fund	(\$7,500,000) <u>\$3,750,000</u>
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	(\$15,000,000) <u>\$21,800,000</u>

Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007 \$2,000,000

Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006 \$4,500,000

Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006 \$3,000,000

Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006 \$1,000,000

General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007 \$3,000,000

Education Legacy Trust Account: For transfer to the student achievement account, ~~(\$35,541,000)~~ \$35,555,000 for fiscal year 2006 and ~~(\$102,697,000)~~ \$103,046,000 for fiscal year 2007 ~~(\$138,238,000)~~
\$138,601,000

Sec. 806. 2005 c 518 s 806 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. The transfers are subject to the enactment of Senate Bill No. 5391 (tricare supplemental insurance), chapter 46, Laws of 2005.

Public Employees' and Retirees' Insurance Account:
For transfer to the state general fund,
\$5,000,000 ~~(for fiscal year 2006 and \$12,000,000)~~
for fiscal year 2007 ~~(\$17,000,000)~~
\$5,000,000

~~((General Fund--State Account: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007 \$300,000))~~

(End of part)

PART IX MISCELLANEOUS

Sec. 901. 2005 c 518 s 948 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal

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year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible employee represented by a collective bargaining unit under the personnel system reform act of 2002, or \$618.00 per eligible nonrepresented employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$48.42 per month beginning September 1, 2005, and (~~(\$55.73)~~) \$55.15 beginning September 1, 2006;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$48.42 each month beginning September 1, 2005, and (~~(\$55.73)~~) \$55.15 beginning September 1, 2006, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. **Sec. 902.** A new section is added to 2005 c 518 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--
WASHINGTON STATE UNIVERSITY, WFSE BU 2.**

Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 2 -- service employees under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective retroactive to July 1, 2005. Provisions also include a one-time 2% lump sum payment effective July 1, 2006, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rate.

Sec. 903. RCW 2.36.150 and 2004 c 127 s 1 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, the following expense payments:

(1) Grand jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(2) Petit jurors may receive up to twenty-five dollars but in no case less than ten dollars;

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(3) Coroner's jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(4) District court jurors may receive up to twenty-five dollars but in no case less than ten dollars:

PROVIDED, That a person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances: PROVIDED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution: PROVIDED FURTHER, That the expense payments paid to jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

For the fiscal year ending June 30, 2007, jurors participating in pilot projects in superior, district, and municipal courts may receive juror fees of up to sixty-two dollars for each day of attendance in addition to mileage reimbursement at the rate determined under RCW 43.03.060.

Sec. 904. RCW 28A.500.030 and 2005 c 518 s 914 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to (~~(June 30, 2007))~~ December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563.

Sec. 905. RCW 73.04.135 and 1994 c 147 s 3 are each amended to read as follows:

(1) The director may place a claim against the estate of an incapacitated or deceased veteran who is a veteran estate management program client. The claim shall not exceed the amount allowed by rule of the United States department of veterans affairs and charges for reasonable expenses incurred in the execution or administration of the estate. The director shall waive all or any portion of the claim if the payment or a portion thereof would pose a hardship to the veteran.

(2) (~~Any fees collected shall be deposited in the state general fund--local and shall be available for the cost of managing and supporting the veteran estate management program. All expenditures and revenue control shall be subject to chapter 43.88 RCW.~~) The veteran estate management account is hereby created in the custody of the state treasurer. Fees, reimbursements, and grants collected from estates of incapacitated veterans or incapacitated veterans' dependents shall be deposited into the account. Funds in the account shall be expended solely for the purpose of providing financial operating and maintenance support to the veteran estate management program and shall be the sole source of funding for the program. Only the director or the director's designee may authorize expenditures from the account. The account is subject

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to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 906. RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. Until July 1, 2007, the commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Sec. 907. RCW 90.56.120 and 2005 c 304 s 2 are each amended to read as follows:

(1)(a) There is established in the office of the governor the oil spill advisory council.

(b) The primary purpose of the council is to maintain the state's vigilance in, by ensuring an emphasis on, the prevention of oil spills to marine waters, while recognizing the importance of also improving preparedness and response.

(c) The council shall be an advisory body only.

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(2)(a) In addition to members appointed under (b) of this subsection, the council is composed of the chair-facilitator and sixteen members representing various interests as follows:

- (i) Three representatives of environmental organizations;
- (ii) One representative of commercial shellfish interests;
- (iii) One representative of commercial fisheries that primarily fishes in Washington waters;
- (iv) One representative of marine recreation;
- (v) One representative of tourism interests;
- (vi) Three representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands;
- (vii) One representative of marine labor;
- (viii) Two representatives of marine trade interests;
- (ix) One representative of major oil facilities;
- (x) One representative of public ports; and
- (xi) An individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

(b) In addition to the members identified in this subsection, the governor shall invite the participation of tribal governments through the appointment of two representatives to the council.

(3) Appointments to the council shall reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills to state waters.

(4) Members shall be appointed by the governor and shall serve four-year terms, except the initial members appointed to the council. Initial members to the council shall be appointed as follows: Six shall serve two-year terms, six shall serve three-year terms, and seven shall serve four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position vacated. Members serve at the pleasure of the governor.

(5) The governor shall appoint a chair-facilitator who shall serve as a nonvoting member of the council. The chair shall not be an employee of a state agency, nor shall the chair have a financial interest in matters relating to oil spill prevention, preparedness, and response. The chair shall convene the council at least four times per year. At least one meeting per year shall be held in a Columbia river community, an ocean coastal community, and a Puget Sound community. The chair shall consult with councilmembers in setting agendas and determining meeting times and locations.

(6) All members shall be reimbursed for travel expenses while attending meetings of the council or technical advisory committees, or when on official business authorized by the chair-facilitator, as provided in RCW 43.03.050 and 43.03.060. Members of the council identified in subsection (2)(a)(i), (ii), (iii), (iv), (v), (vi), (vii), and (xi) of this section and the chair-facilitator shall each be compensated on a per diem basis as a class two group according to RCW 43.03.230.

(7) The first meeting of the council shall be convened by the governor or the governor's designee. Other meetings may be convened by a vote of at least a majority of the voting members of the council, or by call of the chair. All meetings are subject to the open public meetings act. The council shall maintain minutes of all meetings.

(8) To the extent possible, all decisions of the council shall be by the consensus of the members. If consensus is not possible, nine voting members of the council may call for a vote on a matter. When a vote is called, all decisions shall be determined by a majority vote of the voting members present. Two-thirds of the voting members are required to be present for a quorum for all votes. The subject matter of all votes and the vote tallies shall be recorded in the minutes of the council.

(9) The council may form subcommittees and technical advisory committees.

NEW SECTION. Sec. 908. If any provision of this act or its application to any person or circumstance is held invalid, the

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remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 909. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of part)

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On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 2.36.150, 28A.500.030, 73.04.135, 79A.05.070, and 90.56.120; amending 2005 c 518 ss 101, 102, 103, 104, 106, 107, 105, 109, 112, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 701, 702, 703, 704, 705, 713, 716, 720, 724, 725, 801, 802, 803, 804, 805, 806, and 948 (uncodified); adding new sections to 2005 c 518 (uncodified); making appropriations; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6386 be adopted.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Report of the

Conference Committee on Engrossed Substitute Senate Bill No. 6386 be adopted.

The motion by Senator Prentice carried and the Report of the Conference Committee was adopted by voice vote. Senator Zarelli spoke against passage of the bill.

POINT OF INQUIRY

Senator Keiser: "Would the gentleman from the 18th District yield to a question? My question concerns section 206. I see in the first proviso of section 206 of the conference report, that the Department of Social & Health Services, in consultation with the Home Care Quality Authority, and the Health Care authority must examine how the state determines the appropriate level of health care cost when establishing state contribution rates for home care workers. The department must recommend options as to how benefits can be purchased in a more cost effective manner to the office of financial management and the fiscal committees by October 1, 2006. Does this proviso modify or weaken, in any way, the parties obligations under initiative 775, the home care quality initiative or other labor laws or the terms of any agreements bargained under the initiative. Does it modify or weaken in any way the terms of the Substitute House Bill No. 2333; the bill providing parity for agency home care workers?"

Senator Zarelli: "Thank you Senator Keiser. It's my understanding, although I wasn't a part of the process of putting together the conference report; in reading through it and looking at the budget note, it's my understanding and, based on previous efforts in the area of collective bargaining, that no, it is not. It's my understanding that collective bargaining process and the study have different purposes and involve different parties. That purpose of collective bargaining is to determine the wage, hours, working conditions of individuals providers. This process involves the Governor and exclusive bargaining representatives of the providers. The purpose of the study is to obtain certain additional information and involve studies like the home care quality authority and the health care authority, so, in conclusion, I would say that the, that report won't be issued until well after the next collective bargaining cycle and well before the one after that, so I would say no. Thank you."

Senators Doumit and Brown spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6386, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6386, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Brandland, Carrell, Delvin,

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Esser, Finkbeiner, Hewitt, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senator Honeyford - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Doumit: "Mr. President, if I may, I would like permission to bring the Ways & Means staff out to the floor because, both sides of the aisle know, there is no way that we could do the job that we do here without the wonderful staff that we have, I would like to ask them to come out on the floor to be recognized by the Senate."

PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. The way we have developed this budget I believe is unique and it could not of happened without Senator Mark Doumit and also without Senator Karen Fraser. We work together as a team, try our ideas out on each other and I couldn't ask for two harder working Vice Chairs. I've been so fortunate for the two years that I have chaired this committee, so I want to thank both of the publically."

MOTION

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

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Substitute House Bill No. 3316 which was previously held at the desk on March 2, 2006 was placed on the second reading calendar.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Linville, Grant and Kessler)

Authorizing the issuance of general obligation bonds.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute House Bill No. 3316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3316.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3316 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Oke - 1

Excused: Senator Honeyford - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5358,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6225,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6896,

MOTION

On motion of Senator Hewitt, Senator Oke was excused.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, and has passed the bill as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2007, out of the several funds specified in this act.

SUPPLEMENTAL APPROPRIATIONS

NEW SECTION. Sec. 101. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Life-cycle Cost Model Update (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to update the life-cycle cost model developed by the joint legislative audit and review committee. The joint legislative audit and review committee shall:

- (1) Update the model's assumptions;
- (2) Enhance the model's ability to inform decision-makers about the current and long-term capital and operating impacts of facility leasing options compared to state ownership; and
- (3) Revise the model to allow for comparisons of alternate financing approaches, including but not limited to the use of certificates of participation, 63-20 financing, and state general obligation bond funding.

Appropriation:

State Building Construction Account--State	.....	\$50,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$50,000

NEW SECTION. Sec. 102. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE OFFICE OF THE SECRETARY OF STATE

Acquisition of Historic Photographs (06-2-950)

Appropriation:

Archives and Record Management Account--State	\$50,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$50,000

Sec. 103. 2005 c 488 s 109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (06-4-003)

Appropriation:

Drinking Water Assistance Account--State	....	\$8,100,000
Drinking Water Assistance Repayment Account--State	.....	(\$11,500,000)
		\$21,780,000
Subtotal Appropriation	.....	(\$19,600,000)
		\$29,880,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$78,400,000
TOTAL	.....	(\$98,000,000)
		\$108,280,000

Sec. 104. 2005 c 488 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (06-4-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
((African-American museum	Seattle	\$700,000)
McIntyre hall	Mount Vernon	\$350,000
Northwest film forum	Seattle	\$100,000
Historic Cooper school	Seattle	\$500,000
Merc playhouse	Twisp	\$6,000
Masquers theatre	Soap Lake	\$145,000
Cornish College of the Arts	Seattle	\$700,000
Dahmen barn workshop	Uniontown	\$79,000
Roxy theatre	Morton	\$75,000
Duwamish longhouse	Seattle	\$65,000
Everett symphony	Everett	\$215,000
Admiral theatre	Bremerton	\$180,000
Pratt fine arts center	Seattle	\$300,000
Arlington performing arts	Arlington	\$375,000
Seattle Academy of Fine Art	Seattle	\$35,000
Academy of children's theatre	Richland	\$150,000
Empire theatre	Tekoa	\$25,000
Children's museum	Spokane	\$75,000
World kite museum	Long Beach	\$115,000
McCaw hall	Seattle	\$1,000,000
KidsQuest children's museum	Bellevue	\$200,000
Total		(\$5,390,000)
		\$4,690,000

Appropriation:

State Building Construction Account--State	(\$5,390,000)
	\$4,690,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$16,000,000
TOTAL	(\$21,390,000)
	\$20,690,000

Sec. 105. 2005 c 488 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The reappropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

- (1) \$1,700,000 of the reappropriation is provided solely to promote development of safe and affordable housing units for

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persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$700,000 of the reappropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(3) \$84,500 of the reappropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(4) \$600,000 of the reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(5) \$1,400,000 of the reappropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

~~(6) (Up to \$1,000,000 of the reappropriation is provided to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families. The self-insurance risk pool shall be approved by the state risk manager. The self-insurance risk pool shall repay to the state the amount of the reappropriation provided to the risk pool under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager. Any reappropriation authority not expended by June 30, 2007, shall lapse.)~~ (a) \$960,000 of the reappropriation in this section is provided solely for the department to contract with the Washington state housing finance commission to establish a multiunit residential building construction liability revolving fund program to provide supplemental funding for liability claims arising from the construction or rehabilitation of condominium or other multiunit residential buildings, as defined in RCW 64.55.010, that are owned or controlled by nonprofit corporations, as defined in RCW 43.180.300, for developing affordable housing for low-income households. The revolving fund program shall include the following elements:

(i) Criteria for the eligibility of multiunit residential projects and project owners for participation in the revolving fund program;

(ii) Provisions governing the scope of coverage and other policies and operating procedures for the revolving fund program;

(iii) Establishment of premiums to be paid by project owners to ensure the viability of the revolving fund program. Costs incurred by the commission in administering the revolving fund program will be paid or reimbursed from premiums and other program funds;

(iv) Provisions for the reimbursement of premiums to the extent not required for the orderly and cost-effective administration of the revolving fund program;

(v) Establishment of procedures for the investigation, defense, and payment of claims and the recoupment of claim payments made and costs associated with respect to participating projects from the project owners over time; and

(vi) Any other elements necessary and desirable to implement the revolving fund program in order to provide a cost-effective source of liability funding that is supplemental to insurance and other resources available to project owners.

(b) The authority to enter into a contract with the Washington state housing finance commission under this subsection is contingent on the commission's contribution of one million dollars of commission funds to assist in capitalizing the revolving fund program.

(c) Any claims against the Washington state housing finance commission arising from or with respect to the revolving fund

program may be paid only from amounts provided by the commission for this purpose, provided by the contract entered into pursuant to this subsection, or provided by premiums paid under the revolving fund program, and neither the commission, the department, nor the state of Washington shall have any liability with respect to such claims.

Reappropriation:

State Taxable Building Construction	
Account--State	\$25,780,000
Prior Biennia (Expenditures)	\$55,220,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$81,000,000

Sec. 106. 2005 c 488 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
<u>Auburn veterans' memorial park improvements</u>	<u>\$50,000</u>
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
<u>Camp prime time repairs-- families with terminally ill children</u>	<u>\$100,000</u>
Cannon house	\$250,000

Central area motivation program (CAMP)	\$250,000	<u>Hanford reach interpretive center</u>	<u>\$2,000,000</u>
Cesar Chavez park	\$150,000	Hidden river environmental education center	\$50,000
<u>Chambers creek footbridge</u>	<u>\$177,000</u>	ICL education center	\$200,000
Childhaven	\$150,000	Japanese cultural and community center	\$200,000
Clark Lake park and retreat center	\$500,000	Joel Pritchard park	\$2,500,000
Colman school preconstruction activities	(\$500,000) <u>\$1,200,000</u>	Joe's creek project	\$856,000
<u>Colored women's association meeting house</u>	<u>\$60,000</u>	Juanita creek channel and riparian restoration	\$500,000
Columbia breaks fire interpretive center	\$150,000	<u>Juanita highlands</u>	<u>\$275,000</u>
<u>Community center at Greenbridge</u>	<u>\$400,000</u>	Julia Butler Hansen home restoration	\$10,000
Covington aquatics center phase 1	\$350,000	<u>Kettle falls park</u>	<u>\$100,000</u>
Crossroads community center and park	\$250,000	<u>Kirkland nonmotorized facilities</u>	<u>\$200,000</u>
Cutter theater	\$71,000	LeRoi smelter smokestack monument	\$3,000
<u>Deming library</u>	<u>\$85,000</u>	Lewis and Clark confluence project	(\$1,500,000) <u>\$2,000,000</u>
Des Moines beach park historic buildings	\$300,000	McCaw hall	\$2,000,000
Discovery park	\$1,000,000	<u>Meridian habitat park</u>	<u>\$400,000</u>
East Whatcom regional resource center	\$1,750,000	<u>Miners' memorial</u>	<u>\$36,500</u>
Eatonville family park	\$50,000	<u>Miracle league handicapped baseball</u>	<u>\$57,000</u>
El Centro de la Raza	\$900,000	MOBIUS/Inland Northwest science and technology center	\$1,500,000
Filipino community center	\$200,000	Mt. Baker theater	\$200,000
<u>Financial assistance to the town of Hamilton</u>	<u>\$150,000</u>	Mt. Vernon Jasper Gates statue	\$12,000
<u>Food bank refrigeration projects</u>	<u>\$365,000</u>	Multicultural center of Kitsap county	\$250,000
Foster creek	\$150,000	Nathaniel Orr home site museum interpretive center	\$29,000
Fox theater	\$2,398,000	<u>Neighborhood house rainier vista</u>	<u>\$200,000</u>
<u>Garfield county agricultural museum</u>	<u>\$150,000</u>	New Lakewood clinic	\$350,000
GC health clinic	\$12,000	Northeast community center expansion	\$250,000
Grand Army of the Republic cemetery	\$5,000	Northshore performing arts center	\$1,000,000
Granite Falls museum expansion	\$50,000	Northwest communities education center	\$1,000,000
Greenbridge plaza in White Center	\$200,000		
Habitat park south hill	\$400,000		

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Oak Harbor multi-purpose community and sports facility	\$50,000
Omak grandstand	\$250,000
<u>Orting fire station</u>	<u>\$250,000</u>
Pacific Northwest salmon center	\$1,000,000
Pacific science center	\$900,000
Performing arts center (PACE)	\$500,000
<u>Pike Place Market health center emergency repairs</u>	<u>\$1,000,000</u>
<u>Port of Quincy</u>	<u>\$400,000</u>
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
<u>Puyallup river walking trail</u>	<u>\$200,000</u>
<u>Rainier historical heating system</u>	<u>\$75,000</u>
<u>Red mountain</u>	<u>\$200,000</u>
Relocation of Sieke Japanese gardens	\$250,000
River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000
Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
<u>Seattle Aquarium</u>	<u>\$2,000,000</u>
Seattle community center (1115 E. Pike street)	\$13,000
<u>Seattle mental health emerald house</u>	<u>\$28,000</u>
Seward park environmental and audubon center	\$400,000
Snohomish senior center	\$150,000
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Sumas ballpark	\$250,000

Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
<u>Tritrail feasibility study</u>	<u>\$150,000</u>
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
Vancouver national historical reserve west barracks	\$1,000,000
Veterans memorial museum	\$100,000
<u>Wapato Lake renovations and water quality</u>	<u>\$250,000</u>
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000
Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$2,000,000
Youth housing/drop-in center	\$400,000
Total	<u>(\$39,391,000)</u> <u>\$49,949,500</u>

Appropriation:
 State Building Construction Account--State (\$39,391,000)
\$49,949,500
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL (\$39,391,000)
\$49,949,500

Sec. 107. 2005 c 488 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job/Economic Development Grants (06-4-950)
 The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
Belfair sewer improvements	<u>(\$8,000,000)</u> <u>\$3,200,000</u>
Bellingham waterfront restoration	\$2,000,000

<u>Bremerton facility for alternative energy technology research</u>	<u>\$800,000</u>
Bremerton Harborside	\$4,000,000
Burien town square	\$2,000,000
Carnation sewer	\$2,000,000
City of Covington	((\$1,000,000)) <u>\$2,000,000</u>
<u>Grays Harbor PUD bioenergy project</u>	<u>\$1,500,000</u>
<u>Hops Initiative</u>	<u>\$500,000</u>
Infrastructure for Renton Boeing property	\$5,000,000
<u>Infrastructure for Washington farm produce exports</u>	<u>\$1,000,000</u>
Military communities infrastructure projects	\$5,000,000
Pacific Northwest national labs campus infrastructure project	\$6,000,000
Rainier court	\$1,500,000
Redevelop Snohomish riverfront	\$1,500,000
Ridgefield employment center project	\$2,000,000
Tukwila Southcenter parkway infrastructure	\$6,000,000
Yakima town center restoration	\$4,000,000
Total	<u>\$50,000,000</u>

(2) \$1,000,000 of the appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the appropriation is provided solely for military communities infrastructure projects (is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is identified for potential closure in the federal base realignment and closure process. The grants will be used to address infrastructure improvements that will aid in the removal of the base from the closure list. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management)). Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the

discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) \$481,000 of the appropriation is provided solely for improvements to a military department site on Fairchild air force base.

(4) The legislature finds that the need to restore the health of Hood Canal will require funding over multiple biennia. It is the intent of the legislature to provide \$4,800,000 for the Belfair sewer improvement project in the 2007-2009 biennium.

Appropriation:

Public Works Assistance Account--State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((\$0))
	<u>\$4,800,000</u>
TOTAL	<u>((\$50,000,000))</u>
	<u>\$54,800,000</u>

NEW SECTION. Sec. 108. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing--Home Security Fund (E2SHB 2418) (06-4-851)

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

(1) \$6,800,000 of the appropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.

(2) \$1,000,000 of the appropriation from the Washington housing trust account is provided solely for short-term, long-term, or emergency housing vouchers for homeless persons, victims of domestic violence, low-income persons, or seasonal farm workers. The department shall establish guidelines for housing voucher programs.

(a) Housing vouchers for low-income persons or seasonal farm workers are specifically to be used for: (i) Privately owned and operated rental units, including single-family homes; or (ii) on-farm housing units. Housing and rental units for which farm worker housing vouchers may be used must meet temporary worker housing standards, when applicable. Housing voucher programs shall be administered by local public housing authorities or other local organizations.

(b) Housing vouchers for homeless persons and victims of domestic violence shall be administered by local public housing authorities, other local organizations with existing housing voucher programs, homeless shelters, or domestic violence shelters. Any of this appropriation that is unspent on June 30, 2007, shall be added to the amount appropriated for the backlog identified in subsection (1) of this section.

(3) \$4,500,000 of the appropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.

(4) \$850,000 of the appropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons

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eligible for services from the division of developmental disabilities within the department of social and health services.

(5) \$500,000 of the appropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(6) \$3,000,000 of the appropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.

(7) \$200,000 of the appropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2006.

(8) \$4,000,000 of the appropriation from the homeless families services account is provided solely for the purposes of RCW 43.330.167, but limited to residents living in housing subject to a regulatory agreement related to rent and/or income restrictions.

(9) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(10) Appropriations in this section shall be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Appropriation:

Washington Housing Trust Account--State ..	\$17,000,000
Homeless Families Services Account--State ..	\$4,000,000
Subtotal Appropriation	\$21,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,000,000

NEW SECTION. Sec. 109. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor PUD Bioenergy Project (06-04-852)

Appropriation:

Energy Freedom Account--State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

Sec. 110. 2005 c 488 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State	(\$100,000)
	\$214,063
Prior Biennia (Expenditures)	\$106,280,442
Future Biennia (Projected Costs)	\$0
TOTAL	(\$106,380,442)
	\$106,494,505

NEW SECTION. Sec. 111. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pritchard-Legislative Support Building Predesign (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$225,000 of the appropriation in this section is provided solely for predesign of the Joel M. Pritchard building as a legislative support facility and public cafeteria. The predesign must be concurrently prepared with the North Capital Campus executive office building(s) predesign in section 112 of this act, but this predesign is to be a distinct document and analysis. The predesign shall include, but not be limited to, the following: (a) A rehabilitation plan addressing electrical and mechanical systems, plumbing, seismic safety, fire protection, accessibility, energy consumption, and space use including the benefits and costs of the conversion of the upper floor stack space into usable office space or alternative uses; (b) an assessment of the facility requirements of legislative support agencies including the statute law committee, the joint legislative audit and review committee, the legislative service center, and the legislative evaluation and accountability program as potential building tenants; and (c) a financing strategy for the facility that may consider a combination of funding sources including state general obligation bonds and the use of alternative financing mechanisms that utilize dedicated revenue streams through the conversion of existing lease payments into debt service payments.

(2) \$150,000 of the appropriation in this section is provided solely for the planning and initial building demolition to relocate the statute law committee from the Pritchard building basement into the east wing, provided that the initial planning and demolition is determined to conform with the completed Pritchard predesign. The office of financial management shall not allot funding for the planning and initial building demolition for the statute law committee until the Pritchard predesign has been submitted and approved by the legislative fiscal committees and the office of financial management.

Appropriation:

State Building Construction Account--State ...	\$375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$375,000

Sec. 112. 2005 c 488 s 152 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

~~((General Administration Building Rehabilitation))~~ North Capital Campus Executive Office Building(s) (06-1-002)

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The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign for replacement or renovation of the general administration building combined with the development of an office building on the block adjoining Capital Way and 11th avenue. The combined development is intended to provide: (1) Executive office space for statewide elected officials; (2) public access space for the state library collection and historically significant documents from the state archives and the state historical museum; and (3) high density general office space that can adapt to changing state needs. The project will maximize interagency sharing of support services such as information technology, printing and mailing, management and storage of supplies, reception areas, and other common functions. The project will also include sufficient parking to provide a significant net increase in parking spaces beyond what is required for the new office space. The project shall also include leasable ground floor retail space on Capital Way. The department shall consult with statewide elected officials and the city of Olympia in developing the predesign. ~~((The predesign shall evaluate the use of the Pritchard building as one of the options for use by the state library and historically significant documents from the state archives and state historical museum.))~~ Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2005-2007 biennium.

Appropriation:

Thurston County Capital Facilities Account--State	(\$750,000)
.....	\$1,620,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$65,500,000)
	\$312,017,000
TOTAL	(\$66,250,000)
	\$313,637,000

Sec. 113. 2005 c 488 s 156 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Office Facilities: Preservation Minor Works (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for electrical and elevator upgrades in the insurance building.

Appropriation:

Thurston County Capital Facilities Account--State	\$2,965,000
General Administration Service Account--State	\$1,850,000
Subtotal Appropriation	\$4,815,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,239,000
TOTAL	\$21,054,000

Sec. 114. 2005 c 488 s 161 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Omnibus (06-1-005)

The appropriations in this section are subject to the following conditions and limitations: The department shall assist in the relocation of the statute law committee offices from the legislative building to the Pritchard building. The vacated space is intended for additional offices for the house of representatives.

Appropriation:

State Building Construction Account--State	(\$1,100,000)
.....	\$1,460,000

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Thurston County Capital Facilities Account--State	\$878,000
Subtotal Appropriation	(\$1,978,000)
	\$2,338,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$1,978,000)
	\$2,338,000

NEW SECTION. Sec. 115. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Campus Master Plan (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: The master plan shall include a review of the need for meeting space and training facilities to support state government in Thurston county. The review must compare existing facilities with other states' capitals with similar populations. The master plan must also consider the need for transportation access to the campus.

Appropriation:

General Administration Services Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 116. 2005 c 488 s 162 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

ADA Access Between Legislative, Cherberg, O'Brien, and Pritchard Buildings (06-1-951)

The appropriation in this section is subject to the following conditions and limitations: The design and construction of the Americans with Disabilities Act-compliant pathway to the Pritchard building shall be included in the Pritchard predesign funded in section 111 of this act.

Appropriation:

State Building Construction Account--State ..	\$1,349,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,349,000

NEW SECTION. Sec. 117. A new section is added to 2005 c 488 (uncodified) to read as follows:

WASHINGTON STATE PATROL

Vancouver Crime Lab - Phase 2 (06-2-003)

Appropriation:

State Building Construction Account--State ..	\$2,940,000
Prior Biennia (Expenditures)	\$9,947,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,887,000

Sec. 118. 2005 c 488 s 201 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (06-1-100)

The appropriations in this section ~~((rs))~~ are subject to the following conditions and limitations: ~~((The appropriation is provided solely for the initial mapping of schools and production of software and may not be used to supplant any local government's existing school or other building mapping program that can transfer data to a statewide first responder building mapping information system.))~~ Mapping of ~~((public buildings, including))~~ school buildings ~~((r))~~ shall be undertaken

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under standards adopted by the Washington association of sheriffs and police chiefs mapping software standards as required by RCW 36.28A.070. The ~~((criminal justice training commission))~~ Washington association of sheriffs and police chiefs shall work with the office of the superintendent of public instruction to ensure school mapping is part of newly constructed or renovated construction projects ((and shall develop policies and procedures to ensure efficient use and implementation of such procedures)). For school construction projects funded through the state board of education's state school construction assistance program during the 2005-2007 biennium, the Washington association of sheriffs and police chiefs shall prioritize the initial mapping or remapping of the state board of education's state school construction assistance program projects that are colocated with schools funded by the appropriation in this section. Additionally, the Washington association of sheriffs and police chiefs shall develop policies and procedures to ensure efficient use and implementation of such procedures.

It is the intention of the legislature that the design of new and remodeled facilities incorporate mapping and remapping as needed.

The Washington association of sheriffs and police chiefs will consult with the office of the superintendent of public instruction and report to the fiscal committees of the legislature by September 1, 2006, on efficient and low-cost ways to maintain up-to-date maps.

Appropriation:

Education Construction Account--State	.....	\$4,500,000
Common School Construction Account--State		\$1,000,000
<u>Subtotal Appropriation</u>		<u>\$5,500,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$4,500,000)
		\$5,500,000

Sec. 119. 2005 c 488 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State	...	\$500,000
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Appropriation:

State Building Construction Account--State	...	\$5,800,000
Prior Biennia (Expenditures)	\$5,605,495
Future Biennia (Projected Costs)	.....	(\$16,100,000)
		\$10,300,000
TOTAL	.....	\$22,205,495

NEW SECTION. Sec. 120. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New Intensive Management Unit Building, and Health Center and Administration Building (06-2-202)

Appropriation:

State Building Construction Account--State	..	\$1,250,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$12,500,000
TOTAL	.....	\$13,750,000

NEW SECTION. Sec. 121. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School: Storm and Sewer Phase 3 (06-1-853)

Appropriation:

State Building Construction Account--State	...	\$100,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$100,000

Sec. 122. 2005 c 488 s 238 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Washington Information Network 2-1-1 (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The department shall require the organizations to prepare a financing plan that specifies the full cost of implementing the system statewide including capital costs and operating costs by September 1, 2006. The financing plan shall identify appropriate sources of revenue to support full implementation and ongoing operational costs. Allowable uses of appropriated funds include the purchase of software, equipment, programming, and improvements located in states adjacent to Washington and that support the 2-1-1 information network in Washington.

Appropriation:

State Building Construction Account--State	..	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 123. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 9 Renovation - Transient Program (06-1-008)

Appropriation:

General Fund--Federal	.....	\$318,000
State Building Construction Account--State	...	\$171,000
<u>Subtotal Appropriation</u>	.....	<u>\$489,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$489,000

Sec. 124. 2005 c 488 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expansion (98-2-011)

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

(1) ~~(\$179,000,000)~~ The appropriation in this section is provided solely to design and construct a ((4,280)) 1,792 bed medium-security prison at Coyote Ridge corrections center in Connell.

(2) The facility shall be a publicly-owned and operated facility.

(3) The new facility shall include at least 512 hybrid-security beds that have a lower cost to construct than conventional medium security beds but still maintain a medium security perimeter.

(4) Design of the facility shall incorporate efficiencies in administrative space and support services realized by sharing services within the region. The department shall examine other states' and private industry standard designs, and report on how efficiencies will be incorporated into the design of the facility to the office of financial management and to legislative fiscal staff not later than September 1, 2005. Nothing in this subsection requires the department to adopt design parameters that would endanger public safety or generate increased operating costs.

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(5) Once opened, a portion of the new facility shall be used to alleviate the crowded conditions in reception at the Washington corrections center in Shelton.

Reappropriation:

State Building Construction Account--State ... \$921,140

Appropriation:

State Building Construction Account--State (\$179,000,000)
\$229,000,000
Prior Biennia (Expenditures) ... \$986,347
Future Biennia (Projected Costs) ... \$0
TOTAL ... (\$180,907,487)
\$230,907,487

Sec. 125. 2005 c 488 s 255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Reappropriation:

General Fund--Federal ... \$819,229
State Building Construction Account--State (\$18,674,000)
\$17,747,000
Subtotal Reappropriation ... (\$19,493,229)
\$18,566,229

Appropriation:

General Fund--Federal ... \$927,000
Prior Biennia (Expenditures) ... \$19,944,803
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$39,438,032

Sec. 126. 2005 c 488 s 264 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State \$124,000,000
Appropriation:
((General Fund--Federal ... \$927,000))
State Building Construction Account--State ((\$5,891,000))
\$6,818,000
((Subtotal Appropriation ... \$6,818,000))
Prior Biennia (Expenditures) ... \$9,940,000
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$140,758,000

NEW SECTION. Sec. 127. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Appropriation:

State Building Construction Account--State .. \$1,553,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State ... \$1,898,000
Subtotal Appropriation ... \$3,451,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$3,451,000

NEW SECTION. Sec. 128. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek Corrections Center: 100 Bed Expansion (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is

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provided solely for implementation of penalties for driving under the influence of intoxicating liquor or any drug authorized in chapter ... (House Bill No. 3317), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this section shall lapse.

Appropriation:

State Building Construction Account--State .. \$6,228,500
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$6,228,500

NEW SECTION. Sec. 129. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Larch Corrections Center: 80 Bed Expansion (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of penalties for driving under the influence of intoxicating liquor or any drug authorized in chapter ... (House Bill No. 3317), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this section shall lapse.

Appropriation:

State Building Construction Account--State .. \$3,071,500
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$3,071,500

Sec. 130. 2005 c 488 s 287 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely ((to)) for services and activities including the purchase and ((install)) installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:

Unemployment Compensation Administration
Account--Federal ... \$6,000,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$6,000,000

Sec. 131. 2005 c 488 s 323 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

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

(1) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$1,000,000 of the state building construction account--state appropriation is provided solely to design appropriate wastewater treatment facilities to serve the Hoodspout to Skokomish reservation areas of Hood Canal. The exact

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facilities will be based upon the recommendations from an analysis of wastewater management options for the Hoodspout to Skokomish river currently being undertaken by Mason county.

(4) \$750,000 of the state building construction account--state appropriation is provided solely for assistance in management and clean up activities at Long Lake in Kitsap county and \$50,000 of the state building construction account--state appropriation is provided solely for assistance in cleaning up Wapato Lake in Pierce county. The assistance is contingent on the lake communities adopting a lake management plan that meets the department's requirement.

(5) \$320,000 of the water quality account--state appropriation is provided solely to Mason county to develop a septic system data base and identify failing septic systems in Hood Canal.

(6) \$70,000 of the water quality account--state appropriation is provided solely to Kitsap county for surveys of septic systems in Hood Canal.

(7) \$70,000 of the water quality account--state appropriation is provided solely to Jefferson county for surveys of septic systems in Hood Canal.

(8) Up to \$1,500,000 of the water quality account--state appropriation is for grants for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan or grant programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with the water pollution control revolving account--state appropriation in section 135 of this act provided for this purpose. Of this amount, up to \$1,000,000 may be used to help financially distressed homeowners repair and replace failing on-site sewage systems, and up to \$500,000 may be used to help local governments plan, implement, and administer the local loan fund assistance programs. The total overall local government and tribal administration costs may not exceed seven percent of the total statewide grant and loan on-site program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

(9) \$3,500,000 of the state toxics control account--state appropriation is provided solely for wastewater treatment upgrades at Twanoh, Dosewallips, Fort Casey, Fort Ebey, Birch Bay, and Sequim Bay state parks.

(10) \$600,000 of the state building construction account--state appropriation is provided solely for the community of Klickitat to supplement other local, state, and federal funds for wastewater treatment facility construction. Klickitat will not be required to accept a state revolving loan as a match to the grant.

(11) \$1,250,000 of the state toxics control account--state appropriation is provided solely for accelerating toxic cleanup in the Spokane area.

(12) \$1,500,000 of the state building construction account--state appropriation is provided solely for the city of Carnation wastewater treatment system construction.

(13) \$1,150,000 of the state building construction account--state appropriation is provided solely for activities required to determine the total daily maximum load (TMDLs) for the Spokane river.

(14) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans.

Appropriation:

State Building Construction Account--State	(\$20,000,000)
	\$23,250,000
Water Quality Account--State	(\$7,500,000)
	\$9,000,000
State Toxics Control Account--State	(\$10,500,000)

	\$15,250,000
Subtotal Appropriation	(\$38,000,000)
	\$47,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$211,808,000
TOTAL	(\$249,808,000)
	\$259,308,000

Sec. 132. 2005 c 488 s 324 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions which may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(2) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body which is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

(3) Up to \$1,500,000 of the reappropriation in this section is provided to the Roza irrigation district for the purchase or lease of water rights.

(4) \$150,000 of the reappropriation in this section is provided solely to support the development and demonstration of water management measures in the Walla Walla Basin that improve and protect instream flow and water quality, and which also help sustain agricultural and economic vitality. The director of the department shall report to the legislature by December 31, 2006, with any findings, conclusions, and recommendations regarding such water management measures.

(5) \$50,000 of the reappropriation in this section is provided solely to Chelan county to assess the feasibility of storing water in Campbell creek canyon to supplement instream flows in Peshastin creek, as part of the Peshastin irrigation district.

(6) \$100,000 of the reappropriation in this section is provided solely for a study of ground water and other issues related to drought in the Quilcene watershed.

Reappropriation:

State Drought Preparedness Account--State	(\$8,200,000)
	\$7,330,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$8,200,000)
	\$7,330,000

Sec. 133. 2005 c 488 s 325 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

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Local Toxics Grants for Clean up and Prevention (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local projects that implement the state "never waste" plan. Grant funds will emphasize additional organics composting and conversion, green building, and moderate risk waste projects described in the plan. Of this amount, up to \$1,600,000 may be used for one-time funding for auto switch recycling consistent with the memorandum of agreement being finalized with the auto recyclers association.

(2) \$2,000,000 of the appropriation is provided for emission reduction projects for local governments to retrofit public sector diesel engines with exhaust emission control devices or to make other modifications or operational changes, including cleaner fuels, to allow public sector fleets to reduce their emissions.

(3) \$3,000,000 of the appropriation is provided solely for grants to local governments needing assistance in complying with the new phase II storm water permit requirements. Of this amount, \$300,000 is provided solely for Mason county to prepare storm water management plans for Belfair and Hoodport consistent with the storm water program in the Puget Sound conservation and recovery plan.

(4) ~~(\$60,000,000)~~ \$70,900,000 of the appropriation is provided solely for remedial action grants. Of this amount, \$1,000,000 is provided to the town of Warden to respond to contamination of their existing water system.

(5) From within this appropriation, the department shall prepare an online guide to help small businesses and homeowners learn what to do if they discover toxic wastes on their property. The guide shall provide information about local resources for clean up and disposal of toxic wastes.

(6) \$8,000,000 of the appropriation is provided solely for coordinated prevention grants provided to local governments for local government solid and hazardous waste planning, household and small business hazardous waste collection and disposal, recycling capital purchases and program development, and local solid waste enforcement.

Appropriation:

Local Toxics Control Account--State	(\$80,000,000)
	\$98,900,000
Prior Biennia (Expenditures)	\$45,000,000
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	(\$315,000,000)
	\$323,900,000

Sec. 134. 2005 c 488 s 327 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001)
The appropriation in this section is subject to the following conditions and limitations: \$700,000 of the appropriation is provided solely to continue clean up of the Everett Asarco residential area.

Appropriation:

State Toxics Control Account--State	(\$2,000,000)
	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,000,000)
	\$5,000,000

Sec. 135. 2005 c 488 s 329 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

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

(1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for at least \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state appropriation is for loans for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality account--state appropriation in section 131 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2007, including any recommendations for improving the program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

Water Pollution Control Revolving	
Account--State	\$162,839,146
Water Pollution Control Revolving	
Account--Federal	\$76,777,140
Subtotal Appropriation	\$239,616,286
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$912,000,000
TOTAL	\$1,151,616,286

Sec. 136. 2005 c 488 s 330 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

The appropriations in this section ~~(are)~~ are subject to the following conditions and limitations: \$12,000,000 of the appropriation is provided solely for projects and water right acquisitions to support watershed planning efforts and achieving instream flows subject to the following project types, conditions, and limitations:

(1) Up to \$1,353,172 of the appropriation is provided to improve irrigation efficiency and to achieve associated flow improvements in the Twisp and Methow rivers by providing for cleaning and lining and/or piping of 30,943 linear feet of the irrigation canal within the lower (downstream) seven miles of the Methow Valley irrigation district's west canal. Of this amount, up to \$100,000 is provided for a neutral independent consultant to provide management assistance to the Methow Valley irrigation district for purposes of identifying structural and operational improvements to increase overall system water use efficiency.

(2) Up to \$200,000 of the appropriation is provided for a portion of the costs of the project level environmental impact statement for the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(3) Up to \$75,000 of the appropriation is provided to formalize the Ahtanum creek watershed restoration program, including identification of site specific habitat improvement

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projects and determination of the most appropriate restoration program alternative to implement.

(4) Up to \$1,500,000 of the appropriation is provided to reduce diversions from the Dungeness river through pipeline projects identified in the Dungeness river comprehensive irrigation district management plan. For at least one year from the effective date of this section, while the parties seek resolution of the court action filed in Thurston county superior court, No. 04-2-00078-2, none of these funds may be allocated to any projects in the Dungeness river basin that are within the area that is the zone of contribution for ground and surface water infiltration to the existing Graysmarsh wetland.

(5) \$100,000 of the appropriation is provided solely to the city of Normandy Park to implement the basin plan for the Miller/Walker and Salmon creek basins.

(6) Water storage grants for the development of plans, engineering and financing reports, acquiring lands and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects should be consistent with the recommendations of the water storage task force. The department of ecology would issue grants in consultation with the departments of agriculture and fish and wildlife.

(7) Infrastructure improvement projects and other water management actions that benefit stream flows and enhance water supply to resolve conflicts among water needs for municipal water supply, agriculture water supply, and fish restoration. The stream flow improvements and other public benefits secured from these projects should be commensurate with the investment of state funds.

(8) Projects for planning, acquisition, construction, and improvement of agriculture water supply facilities and achieving water conservation and water use efficiency improvements.

(9) Financial assistance to purchase and install water measuring devices at points of diversion and withdrawal. Preference would be given to fish-critical basins, to areas participating in the department of fish and wildlife fish screening and cooperative compliance programs, and to basins where watershed planning has determined additional water diversion and withdrawal information is needed.

(10) Funding for acquisition of either water or water rights, or both, for instream flow achievement and establishment of water accounts. The appropriation is provided for either the purchase or lease, or both, of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(11) The department shall provide small grants to watershed councils that have completed watershed plans. The grants are intended to support periodic meetings and other monitoring activities of the councils so that they can monitor the implementation of watershed plans.

(12) \$400,000 of the water quality account--state appropriation is provided solely to support the Skagit comprehensive irrigation district management plan.

(13) \$400,000 of the state building construction account--state appropriation is provided solely for grants for watershed planning, including \$250,000 for King county, \$75,000 for planning for the Little Spokane river, and \$75,000 in enhanced funding for the Chehalis watershed council.

Appropriation:

State Building Construction Account--State	(\$12,000,000)
	\$12,400,000
Water Quality Account--State	\$400,000
Subtotal Appropriation	\$12,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	(\$60,000,000)
	\$60,800,000

NEW SECTION. Sec. 137. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Mercury Removal Program (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for one-time funding to implement the memorandum of agreement establishing the Washington motor vehicle mercury switch removal program. If chapter ... (Second Substitute House Bill No. 1731), Laws of 2006 is enacted by June 30, 2006, then the amount in this section shall be appropriated to the Hood Canal aquatic rehabilitation program under the interagency committee for outdoor recreation in section 155 of this act.

Appropriation:

State Toxics Control Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 138. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Early Spill Response Equipment Caching (06-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to local governments to secure and place hazardous material spill response equipment at critical locations around the state. Grant funds will emphasize strategic placement of equipment that will allow for quick access and deployment by state, local, or tribal responders in the event of a spill.

Appropriation:

Local Toxics Control Account--State	\$1,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,450,000

NEW SECTION. Sec. 139. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Innovative Storm Water Grants (06-2-006)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design shall provide similar performance. All projects must include performance monitoring. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 140. A new section is added to 2005 c 488 (uncodified) to read as follows:

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FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Clean Up (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to initiate clean up of waste tires at the highest risk sites statewide. This clean up work must include major progress at the Goldendale site in Klickitat county.

Appropriation:

Waste Tire Removal Account--State	.....	\$4,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,000,000

NEW SECTION, Sec. 141. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	.....	\$4,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,000,000

NEW SECTION, Sec. 142. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Upland and Aquatics (06-1-005)

The appropriation in this section is subject to the following conditions and limitations: The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	.....	\$5,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,000,000

NEW SECTION, Sec. 143. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the Columbia river basin water supply development program in chapter 6, Laws of 2006.

Appropriation:

Columbia River Basin Water Supply Development Account--State	.....	\$10,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$10,000,000

Sec. 144. 2005 c 488 s 340 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works: Facility Preservation (04-1-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Reappropriation:

State Building Construction Account--State	...	\$147,269
Parks Renewal and Stewardship Account--State	.....	(\$2,600,000)
		\$679,079
Subtotal Reappropriation	.....	(\$2,747,269)
		\$826,348
Prior Biennia (Expenditures)	.....	\$4,990,231
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$7,737,500)
		\$5,816,579

Sec. 145. 2005 c 488 s 341 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (04-2-013)

Reappropriation:

Parkland Acquisition Account--State	.....	(\$412,690)
		\$191,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$412,690)
		\$191,000

Sec. 146. 2005 c 488 s 342 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Recreation Development (04-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$100,000 of the reappropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) ~~(\$900,000)~~ Up to \$700,000 of the reappropriation is provided ~~(solely)~~ to install fee collection stations at selected parks statewide. Any unused funding of this reappropriation may be expended on other recreation development projects including up to \$35,000 for the artificial reef project at Saltwater state park.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	...	\$700,000
Prior Biennia (Expenditures)	.....	\$2,200,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,900,000

Sec. 147. 2005 c 488 s 346 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock - Pierce Trust (06-1-030)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for improvements to ~~(the group camp at)~~ Beacon Rock state park.

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(2) The funding has been provided solely and directly for this project.

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$350,000
.....	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 148. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Sustainable Development and Restoration (06-1-011)

Appropriation:

State Toxics Control Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 149. 2005 c 488 s 360 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition Account (06-2-020)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. Included in the lists will be any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State	(\$4,000,000)
	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	(\$20,000,000)
	\$22,000,000

Sec. 150. 2005 c 488 s 365 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Park Development (06-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely to construct a pedestrian/emergency vehicle access bridge across Connor creek to allow for beach access.

(2) \$500,000 is provided solely to determine long-term park zoning, design park amenities and services, and provide site permit and initial construction development at Nisqually-Mashel. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

(3) \$150,000 is provided solely for initial park development at Sequim Bay-Miller Peninsula. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

Appropriation:

State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$900,000

NEW SECTION. Sec. 151. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Hood Canal Wastewater and Improvement Projects (06-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Twanoh state park	\$100,000
Dosewallips state park	\$1,200,000
Belfair state park	\$700,000
Potlatch state park	\$1,050,000
Kitsap Memorial state park	\$500,000
Scenic Beach state park	\$900,000
Twanoh and Triton Cove state parks	\$300,000
Shine Tidelands state park	\$850,000
Pleasant Harbor state park	\$150,000
Triton Cove state park	\$170,000
Total	\$5,920,000

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$5,920,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,920,000

NEW SECTION. Sec. 152. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Puget Sound Wastewater and Improvement Projects (06-1-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Sequim Bay state park	\$125,000
Fort Flagler state park	\$750,000
Larabee state park	\$750,000
Fort Worden state park	\$300,000
Camano Island state park	\$300,000
Deception Pass state park	\$350,000
Possession Point	\$250,000

Illahaee state park	\$1,100,00
	0
Kopachuck state park	\$1,200,00
	0
Penrose Point state park	\$700,000
Blake Island state park	\$250,000
Fay Bainbridge state park	\$1,300,00
	0
Total	\$7,375,00
	0

Appropriation:

State Building Construction Account--State ..	\$7,375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,375,000

NEW SECTION. Sec. 153. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Bear Creek Corridor Land Acquisition (06-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of land near Bear creek and Pearrygin lake state park.

Appropriation:

State Building Construction Account--State ..	\$1,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 154. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Deferred Maintenance - Facilities (06-1-036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to reduce the backlog of maintenance and preservation of state park facilities.

Appropriation:

State Building Construction Account--State ..	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 155. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hood Canal Aquatic Rehabilitation Program (06-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The Puget Sound action team and the local management board shall develop a list of projects, studies, and activities relating to the recovery of Hood Canal in accordance with RCW 90.88.030. The list developed shall be based upon the project's likely value in addressing and resolving Hood Canal's low dissolved oxygen concentrations.

(2) The Puget Sound action team and the local management board shall recommend to the interagency committee for outdoor recreation and the governor a prioritized list of projects to be funded under subsection (1) of this section.

The governor may remove projects from the list recommended by the Puget Sound action team and the local management board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and the amount of recommended state funding.

(3) The interagency committee for outdoor recreation shall not sign contracts or otherwise financially obligate funds from the Hood Canal aquatic rehabilitation bond account before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the Puget Sound action team and the local management board.

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

Sec. 156. 2005 c 488 s 368 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (FARP) (98-2-004)

Reappropriation:

Firearms Range Account--State	(\$31,478)
	\$61,478
Prior Biennia (Expenditures)	\$542,191
Future Biennia (Projected Costs)	\$0
TOTAL	(\$573,669)
	\$603,669

Sec. 157. 2005 c 488 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	(\$1,243,986)
	\$1,322,986
Prior Biennia (Expenditures)	\$9,851,937
Future Biennia (Projected Costs)	\$0
TOTAL	(\$11,095,923)
	\$11,174,923

Sec. 158. 2005 c 488 s 370 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$4,547,515
Habitat Conservation Account--State	(\$1,170,894)
	\$4,382,894
Subtotal Reappropriation	(\$5,718,409)
	\$8,930,409
Prior Biennia (Expenditures)	\$71,883,173
Future Biennia (Projected Costs)	\$0

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TOTAL ((\$77,601,582))
\$80,813,582

Sec. 159. 2005 c 488 s 372 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (00-2-001)
Reappropriation:
General Fund--Federal ((\$11,227,424))
\$13,320,424
Salmon Recovery Account--State ((\$2,366,010))
\$3,597,010
Subtotal Reappropriation ((\$13,593,434))
\$16,917,434
Prior Biennia (Expenditures) \$88,031,707
Future Biennia (Projected Costs) \$0
TOTAL ((\$101,625,141))
\$104,949,141

Sec. 160. 2005 c 488 s 376 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (02-0-001)
Reappropriation:
Firearms Range Account--State ((\$44,677))
\$120,677
Prior Biennia (Expenditures) \$355,323
Future Biennia (Projected Costs) \$0
TOTAL ((\$400,000))
\$476,000

Sec. 161. 2005 c 488 s 382 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Wildlife and Recreation Program (WWRP) (02-4-003)
The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:
Outdoor Recreation Account--State ((\$2,041,864))
\$3,525,864
Habitat Conservation Account--State \$6,928,926
Subtotal Reappropriation ((\$8,970,790))
\$10,454,790
Prior Biennia (Expenditures) \$36,029,210
Future Biennia (Projected Costs) \$0
TOTAL ((\$45,000,000))
\$46,484,000

Sec. 162. 2005 c 488 s 385 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (04-4-003)
Reappropriation:
Recreation Resources Account--State ((\$3,753,480))
\$4,484,480
Prior Biennia (Expenditures) \$3,753,479

Future Biennia (Projected Costs) \$0
TOTAL ((\$7,506,959))
\$8,237,959

Sec. 163. 2005 c 488 s 386 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (04-4-006)
Reappropriation:
Firearms Range Account--State ((\$144,997))
\$154,997
Prior Biennia (Expenditures) \$105,003
Future Biennia (Projected Costs) \$0
TOTAL ((\$250,000))
\$260,000

Sec. 164. 2005 c 488 s 387 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Blockages Program (04-4-011)
Reappropriation:
State Building Construction Account--State ((\$780,379))
\$1,191,379
Prior Biennia (Expenditures) \$1,219,621
Future Biennia (Projected Costs) \$0
TOTAL ((\$2,000,000))
\$2,411,000

Sec. 165. 2005 c 488 s 390 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (NRTTP) (04-4-008)
Reappropriation:
General Fund--Federal ((\$1,130,000))
\$1,447,000
Prior Biennia (Expenditures) \$1,130,000
Future Biennia (Projected Costs) \$0
TOTAL ((\$2,260,000))
\$2,577,000

Sec. 166. 2005 c 488 s 391 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)
Reappropriation:
NOVA Program Account--State ((\$5,492,729))
\$5,620,729
Prior Biennia (Expenditures) \$1,433,581
Future Biennia (Projected Costs) \$0
TOTAL ((\$6,926,310))
\$7,054,310

Sec. 167. 2005 c 488 s 392 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (04-4-001)
Reappropriation:
General Fund--Federal ((\$32,832,305))
\$35,876,305

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State Building Construction Account--State	(\$11,500,000)
	\$13,885,000
Subtotal Reappropriation	(\$44,332,305)
	\$49,761,305
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$45,332,305)
	\$50,761,305

Sec. 168. 2005 c 488 s 395 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (06-4-003)

Appropriation:

Recreation Resources Account--State	(\$8,350,000)
	\$7,271,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,597,535
TOTAL	(\$44,947,535)
	\$43,868,535

Sec. 169. 2005 c 488 s 398 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Passage Program (06-4-011)

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

(1) The appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 403 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State	\$4,150,000
General Fund--Federal	\$217,000
Subtotal Appropriation	\$4,367,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$4,150,000)
	\$4,367,000

Sec. 170. 2005 c 488 s 401 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the appropriation is for the following studies:

(1) The committee shall prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used GPS devices, including the feasibility and cost to make GPS maps readily available for all users of Washington recreational lands and facilities. For this purpose, available GPS maps shall include GPS maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The committee shall recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study shall include a review of relevant existing laws and regulations. The recommendations shall address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive ORV noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Appropriation:

Nonhighway and Off-Road Vehicle Activities	
Program Account--State	\$7,579,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,946,858
TOTAL	\$47,525,858

Sec. 171. 2005 c 488 s 402 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (N RTP) (06-4-008)

Appropriation:

General Fund--Federal	(\$2,350,000)
	\$2,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,400,000
TOTAL	(\$11,750,000)
	\$12,200,000

NEW SECTION. Sec. 172. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Youth Athletic Fields (06-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible. The committee shall accept private donations for youth athletic fields and deposit them in the youth athletic facility account. For every \$500,000 in private donations received, the committee shall match those funds with \$500,000 from the appropriation provided in this section and award grants totaling \$1,000,000 to the highest priority projects. The committee is authorized to expend up to five percent of the appropriation for administration of the program and for publicizing the program, especially to owners, players, and fans of Washington's major league professional sports teams.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

Sec. 173. 2005 c 488 s 414 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Mason conservation district for construction of an anaerobic digester in the Skokomish river watershed. Up to ~~(\$50,000)~~ \$65,000 of this amount may be spent on completing

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design concepts and feasibility analysis. The remaining funds shall be allotted only after the following has occurred: (1) Mason conservation district secures nonstate matching funds or in-kind contributions of at least twenty-five percent of the total project cost; (2) a feasibility study is completed and submitted to the Puget Sound action team and the state conservation commission; and (3) the Puget Sound action team and the state conservation commission approve the project proposal.

Appropriation:

State Building Construction Account--State . . .	\$560,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

Sec. 174. 2005 c 488 s 425 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The appropriations in this section are subject to the following limitations: \$5,000 of the appropriation in this section is provided solely for bank stabilization of the south Toledo access road.

Appropriation:

General Fund--Federal	\$650,000
State Building Construction Account--State . .	\$6,457,000
Subtotal Appropriation	\$7,107,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,600,000
TOTAL	\$33,707,000

Sec. 175. 2005 c 488 s 427 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

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

((2)) (1) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

(2) The department of fish and wildlife, in coordination with the department of natural resources, shall seek compensation for state-owned capital structures in the Wooten wildlife area damaged in the school fire. Any compensation received by the department shall be deposited in the state wildlife account.

Appropriation:

General Fund--Federal	\$2,830,000
General Fund--Private/Local	\$3,500,000
State Building Construction Account--State . ((\$500,000))	\$525,000
Wildlife Account--State	\$600,000
Subtotal Appropriation ((\$7,430,000))	\$7,455,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,920,000
TOTAL ((\$42,350,000))	\$42,375,000

NEW SECTION. Sec. 176. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Land Acquisition Pass-Thru Grants (06-4-018)

Appropriation:

Wildlife Account--Federal	\$3,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$3,300,000
NEW SECTION. Sec. 177. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Natural Resources - Department of Fish and Wildlife Land Exchange - Shrub Steppe (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Appropriation:

State Building Construction Account--State . . .	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 178. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Alternative Mitigation Exchange Service (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for contract services with the association of Washington cities and the Washington state association of counties for the purpose of developing and demonstrating an alternative mitigation exchange service in Vancouver and Clark county. The purposes of the exchange are to improve the environmental value of permit decision-making and to accomplish permit streamlining objectives.

Appropriation:

State Building Construction Account--State . . .	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 179. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Estuary and Salmon Restoration in Puget Sound (06-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for nearshore estuary and shoreline projects supporting salmon recovery in Puget Sound.

(2) Project selection and funding decisions shall be submitted for approval to the executive committee of the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(3) Funded projects require a nonstate match or in-kind contributions. The match requirements must be approved by the executive committee identified in subsection (2) of this section.

(4) Project selection and funding decisions must be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(5) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department's operating budget.

(6) Eligible projects must be within Puget Sound and identified in a current salmon recovery plan.

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(7) All funds must be obligated to a specific project or projects no later than October 15, 2006.

(8) The department shall submit a report to the legislature and the office of financial management by November 1, 2006. The report must describe the status of all projects authorized for funding under this appropriation, including project location, implementation timeline, performance measures, funding structure, matching funds, and expected results.

Appropriation:

State Building Construction Account--State ..	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,000,000
TOTAL	\$7,500,000

NEW SECTION. Sec. 180. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Consolidate Downtown Olympia Functions (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall consolidate functions and services provided at its downtown Olympia facilities with other state agencies providing those functions. The department shall vacate the downtown Olympia facilities by June 30, 2007, and transfer responsibility to dispose of the surplus property to the department of general administration. The department of general administration will work with the city of Olympia on necessary plans and permits that will allow sale of the property at the highest price. The department of general administration will submit a plan for disposal of the property to the fiscal committees of the legislature by June 30, 2007. The proceeds of the eventual disposal of the surplus property shall be deposited in the wildlife account for future use in the construction of the Deschutes watershed center.

Appropriation:

State Building Construction Account--State ...	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 181. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Skookumchuck Habitat Preservation (06-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the acquisition of shrub steppe lands in Kittitas county near Skookumchuck creek.

Appropriation:

State Building Construction Account--State ...	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 182. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Fish and Wildlife Ranch Lands Irrigation Efficiencies (06-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for irrigation efficiency projects on ranch lands owned by the department.

Appropriation:

State Building Construction Account--State ...	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION. Sec. 183. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (06-2-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the design of the Deschutes Watershed center.

Appropriation:

State Building Construction Account--State ...	\$850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,700,000
TOTAL	\$25,550,000

Sec. 184. 2005 c 488 s 443 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Bank (06-2-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to purchase or disposal of properties, the department shall consult with other natural resource agencies to ensure the properties marked for purchase or disposal are not eligible for trust land transfers.

(2) The department shall not acquire new commercial properties prior to the completion of the study by the state investment board of the performance of the department's commercial properties portfolio. The department shall cooperate with the state investment board and their consultants in the work required by the study.

(3) The department shall also prepare an inventory of acquisitions, sales, transfers, or exchanges of water rights within the past ten years. This inventory shall be submitted in a report to the appropriate committees of the legislature by December 1, 2006. The report shall also estimate the cost of a study to inventory all water rights that are connected to existing state lands.

Appropriation:

Resources Management Cost Account--State ..	\$5,000,000
Prior Biennia (Expenditures)	\$10,462,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,462,000

Sec. 185. 2005 c 488 s 451 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner (FREP) (06-2-019)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than ~~(\$200,000)~~ \$300,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State ..	\$8,000,000
Prior Biennia (Expenditures)	\$7,750,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,750,000

NEW SECTION. Sec. 186. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Federal HCP Land Acquisition Grants (06-2-950)

Appropriation:

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General Fund--Federal	\$6,720,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,720,000

Sec. 187. 2005 c 488 s 453 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

The appropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the state toxics control account--state appropriation is provided solely for costs related to removal of creosote logs and pilings in Puget Sound.

Appropriation:

Aquatic Lands Enhancement Account--State . . .	\$300,000
State Toxics Control Account--State	\$2,000,000
State Building Construction Account--State . . .	\$150,000
Subtotal Appropriation	(\$450,000)
	\$2,450,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	(\$1,850,000)
	\$3,850,000

NEW SECTION. Sec. 188. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Heritage Program (06-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the natural heritage program to conduct surveys and inventory rare plants, animals, and vegetation communities on state lands needed for long-term asset management decisions.

Appropriation:

State Building Construction Account--State . . .	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 189. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Old Growth Forest Inventory (06-2-855)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to conduct an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory is intended to be a continuation of the inventory conducted pursuant to section 905, chapter 277, Laws of 2004, and must be completed in two phases.

(2) In conducting the inventory required by this section, the department of natural resources shall reconvene a scientific panel with membership consistent with the structure created in section 905, chapter 277, Laws of 2004, and direct the panel to review the best available applicable scientific information. The panel shall also develop a definition for old-growth trees and stands located east of the crest of the Cascade mountains using attributes measured in department of natural resources inventory plots.

(3) The first phase of the inventory required by this section shall be completed by July 1, 2007. In the first phase, the panel shall identify reference stands for old-growth ponderosa pine, dry mixed conifer species, and pine-oak plant associations.

(4) The second phase of the inventory required by this section shall be completed by December 15, 2007. In the second phase, the department of natural resources shall use the definition provided by the scientific panel under subsection (2)

of this section to produce an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory must include:

(a) Maps that illustrate the distribution of forest stands containing old-growth ponderosa pine, dry mixed-conifer species, and pine-oak plant associations, including sites with residual old-growth ponderosa pine trees; and

(b) Tables describing the number of acres of old-growth stands in each county, forest type, and department of natural resources' administrative unit.

(5) The department of natural resources shall report the information required by this section to the appropriate committees of the legislature.

(6) Until the completion of the inventory required by this section, the department of natural resources may not cut or remove any Douglas fir, ponderosa pine, or larch trees from state lands located east of the crest of the Cascade mountains if the tree is one hundred sixty years in age or older and has a diameter of twenty-eight inches or more when measured at breast height, unless removal of the tree is determined by the department of natural resources to be necessary to prevent an imminent physical or ecological hazard or otherwise satisfy a safety concern.

Appropriation:

Resource Management Cost Account--State . . .	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 190. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Deep Water Geoduck and Sea Cucumber Population Surveys (06-2-850)

Appropriation:

State Building Construction Account--State . . .	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 191. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$202,000 of the appropriation on administrative costs.

Appropriation:

Energy Freedom Account--State	\$6,750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 192. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political

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subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane Conservation district	\$2,000,000
Port of Warden	\$2,500,000
Odessa public development authority	\$2,500,000
Port of Columbia county	\$2,500,000
Port of Sunnyside	\$750,000
Total	\$10,250,000

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 6, chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006.

(10) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of

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the biofuel to local oilseed producers; and (c) report this information to the department of agriculture by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

Appropriation:

Energy Freedom Account--State	\$10,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,250,000

Sec. 193. 2005 c 488 s 601 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

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

(1) ~~(\$15,000,000)~~ \$33,766,000 in fiscal year 2006 and \$15,000,000 in fiscal year 2007 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$99,737,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State	(\$30,000,000)
	\$48,766,000
Education Construction Account--State	\$99,737,000
Subtotal Appropriation	(\$129,737,000)
	<u>\$148,503,000</u>

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$129,737,000)~~

\$148,503,000

Sec. 194. 2005 c 488 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (06-4-100)

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

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) ~~(\$14,439,000)~~ (a) \$14,889,000 from this appropriation is provided solely for projects at skills centers that are included on the prioritized list of capital items and major capital project list submitted by the state board of education ~~(and)~~.

(b) \$150,000 from this appropriation is provided solely for a comprehensive feasibility study for the development of a skills center in Skagit county.

(c) \$400,000 from this appropriation is provided solely for comprehensive feasibility studies for the development of skills centers in the following targeted areas: Moses Lake, northeast King county, Pierce county, and Seattle. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform to state board of education rules and procedures for reimbursement of capital items. The state board of education shall develop a plan to include skills center capital requests within the state construction assistance program.

(3) \$156,155,000 of this appropriation is provided solely to increase the area cost allowance by \$12.14 per square foot for grades K-12 for fiscal year 2006, an additional \$12.27 per square foot for grades K-12 for fiscal year 2007, the student square footage allocation in fiscal year 2007 in accordance with the first step in the state board of education six-year plan, and

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the amount of state assistance provided for modernization and new in-lieu projects to one hundred percent of the area cost allowance.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 601 of this act.

Appropriation:

State Building Construction Account--State	\$130,200,000
Common School Construction Account--State	
.....	(\$474,853,000)
	\$511,566,000
Subtotal Appropriation	(\$605,053,000)
	\$641,766,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,832,159,000
TOTAL	(\$3,437,212,000)
	\$3,473,925,000

Sec. 195. 2005 c 488 s 606 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Environmental Learning Centers (06-2-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,950,000 from this appropriation is provided solely for capital projects at the Chewelah peak learning center. The Chewelah peak learning center shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(2) \$400,000 of this appropriation is provided solely for capital projects at Camp Waskowitz learning center. Camp Waskowitz shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(3) \$500,000 of the appropriation from the common school construction account is provided solely for capital projects at IslandWood education center on Bainbridge island. IslandWood shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

Appropriation:

State Building Construction Account--State	.. \$2,350,000
Common School Construction Account--State	.. \$500,000
Subtotal Appropriation	.. \$2,850,000
Prior Biennia (Expenditures)	.. \$0
Future Biennia (Projected Costs)	.. \$0
TOTAL	(\$2,350,000)
	\$2,850,000

Sec. 196. 2005 c 488 s 607 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 are provided to public elementary schools whose students have shown the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from school year 2003-04 as compared to school year 2004-05 and school year 2004-05 as compared to school year 2005-06 (and 2006-07). \$250,000 shall be available for awards in ((2005-06)) fiscal year 2006 and \$250,000 in ((2006-07)) fiscal year 2007. The program shall be administered by the state board of education which shall determine categories for selection that provides geographic and school district size representation.

The grants shall be used for capital construction purposes as determined by the students in the schools and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State	.....	\$500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$500,000

Sec. 197. 2005 c 488 s 609 (uncodified) is amended to read as follows:

((FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION)) FOR THE STATE BOARD OF EDUCATION

High Performance Buildings (06-4-852)

The appropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction. The state board of education and the office of the superintendent of public instruction shall not expend more than \$195,000 of the appropriation for administrative costs.

Appropriation:

State Building Construction Account--State	..	\$6,500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$13,000,000
TOTAL	.....	\$19,500,000

Sec. 198. 2005 c 488 s 610 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Administration (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: \$76,000 of the common school construction account--state appropriation is provided solely to implement chapter ... (Substitute House Bill No. 3098), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

Appropriation:

Common School Construction Account--State	.....	(\$2,279,004)
		\$2,355,004
Prior Biennia (Expenditures)	.....	\$3,969,379
Future Biennia (Projected Costs)	.....	\$10,554,882
TOTAL	.....	(\$16,803,265)
		\$16,879,265

NEW SECTION. Sec. 199. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Acoustic Grants (06-2-953)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to school districts for demonstration projects to test the effect of using sound amplification technology in classrooms to improve student learning. The school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics. Grant recipients must provide a one to one match and must provide outcome measures that show the effect on student learning five years after implementation of the technology. The state board of education shall compile the outcome data and report it to the appropriate committees of the legislature. The state board may retain a maximum of ten percent of the appropriation for administration of the grant program.

Appropriation:

Common School Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 200. 2005 c 488 s 612 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Campus Preservation (06-1-003)

Appropriation:

State Building Construction Account--State	(\$700,000)
	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,800,000
TOTAL	(\$3,500,000)
	\$3,700,000

Sec. 201. 2005 c 488 s 613 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

Omnibus Minor Works - Preservation (06-1-002)

Appropriation:

State Building Construction Account--State	(\$200,000)
	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$775,000
TOTAL	(\$975,000)
	\$1,175,000

Sec. 202. 2005 c 488 s 632 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Guggenheim Hall Renovation (06-1-006)

The appropriations in this section are subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State	(\$24,500,000)
	\$15,211,500
Education Construction Account--State	\$9,288,500
Subtotal Appropriation	\$24,500,000
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,312,000

NEW SECTION. Sec. 203. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Cleanup More Hall and Other Toxics/Shift Funds to Nanotechnology (06-1-950)

Appropriation:

State Toxics Control Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

NEW SECTION. Sec. 204. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (06-2-852)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

Sec. 205. 2005 c 488 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Washington State University Building Account--State	
.....	\$1,400,000

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$3,250,000
Future Biennia (Projected Costs)	(\$45,000,000)
	\$56,000,000
TOTAL	(\$49,650,000)
	\$70,650,000

NEW SECTION. Sec. 206. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Martin Williamson Renovation (06-1-706)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,238,000
TOTAL	\$24,438,000

NEW SECTION. Sec. 207. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Patterson Hall Remodel (06-2-002)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,078,000
TOTAL	\$26,278,000

NEW SECTION. Sec. 208. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Replace Chiller (06-1-025)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,880,000

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Sec. 209. 2005 c 488 s 696 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase II - Construction (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be used for

vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

The Evergreen State College Capital Projects
Account--State \$700,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$4,250,000
Prior Biennia (Expenditures) \$42,550,000
Future Biennia (Projected Costs) \$0
TOTAL ~~(\$43,250,000)~~
\$47,500,000

Sec. 210. 2005 c 488 s 714 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Campus Roadway Development (04-2-073)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Reappropriation:

Western Washington University Capital Projects
Account--State ~~(\$38,826)~~
\$36,466
Prior Biennia (Expenditures) \$290,174
Future Biennia (Projected Costs) \$0
TOTAL \$326,640

NEW SECTION. Sec. 211. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE ARTS COMMISSION

State Capitol Sundial Repair (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a competitive grant for the redesign and repair of the gnomon on the capitol campus sundial. All Washington public community and technical colleges are encouraged to submit design proposals to the Washington state

arts commission by December 31, 2006. Final selection shall be made by the commission.

Appropriation:

State Building Construction Account--State \$5,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,000

Sec. 212. 2005 c 488 s 733 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (06-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project	Amount Recommended
Whatcom museum of history and art	\$133,303
Fort Walla Walla museum	\$150,000
Northwest maritime center	\$345,000
Squaxin Island tribal museum library & research cntr	\$210,539
Confluence project	\$500,000
City of Tumwater	\$70,901
City of Tacoma	\$350,000
Fox theater	\$102,000
Shoreline historical museum	\$143,578
Metro park district of Tacoma	\$35,000
Seattle parks department	\$150,000
Armed forces and aerospace museum	\$295,000
City of Lynnwood	\$85,294
Meadowbrook farm interpretive center	\$72,149
Center for wooden boats	\$100,000
Bainbridge Island historical society	\$207,957
Quileute tribal council	\$150,000
Northwest railway museum	\$360,000
Port Gamble S'Klallam tribe	\$363,579
Concrete heritage museum association	\$12,750
Quincy Valley historical society and museum	\$23,300
Foss waterway development authority	\$250,000
Broadway center for the performing arts	\$225,000
Village theatre	\$65,581
White river valley museum	\$99,069
Cascade land conservancy	\$112,500
<u>Nunez Gaona veterans park</u>	\$51,000
TOTAL	(\$4,612,500) \$4,663,500

Appropriation:

State Building Construction Account--State ~~(\$4,612,500)~~
\$4,663,500
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,000,000
TOTAL ~~(\$20,612,500)~~
\$20,663,500

NEW SECTION. Sec. 213. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Preservation of Women's History Documents (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the preservation of documents that are important in revealing the role of women in the history of the region and the role Washington women played in the nation's history.

Appropriation:

State Building Construction Account--State ... \$200,000

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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 214. 2005 c 488 s 777 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Undergraduate Education Center (04-2-692)

Appropriation:

State Building Construction Account--State ..	\$7,363,700
<u>Gardner-Evans Higher Education Construction</u>	
Account--State	\$3,844,000
Subtotal Appropriation	\$11,207,700
Prior Biennia (Expenditures)	\$126,000
Future Biennia (Projected Costs)	(\$27,407,540)
	\$38,103,591
TOTAL	(\$34,897,240)
	\$49,437,291

Sec. 215. 2005 c 488 s 795 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:

State Building Construction Account--State	\$14,664
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Appropriation:

State Building Construction Account--State ..	\$2,693,000
<u>Gardner-Evans Higher Education Construction</u>	
Account--State	\$325,000
Subtotal Appropriation	\$3,018,000
Prior Biennia (Expenditures)	\$285,336
Future Biennia (Projected Costs)	(\$24,268,049)
	\$26,693,049
TOTAL	(\$27,261,049)
	\$30,011,049

NEW SECTION. Sec. 216. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$268,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,588,000
TOTAL	\$1,856,000

NEW SECTION. Sec. 217. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River College: Water System Replacement (06-1-501)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,951,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,951,000

NEW SECTION. Sec. 218. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Primary Power Branch Replacement (06-1-503)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,717,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,717,000

NEW SECTION. Sec. 219. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$1,634,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,634,000

Sec. 220. 2005 c 488 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management (~~and the office of financial management has formally approved the lists. Proposed revisions~~), the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with (and approved by) the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior list before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that shall include multiple projects valued between \$25,000 and \$1,000,000 each that are of a similar nature and can (~~generally~~) be completed within two years of the appropriation with the funding provided. These projects cannot be combined with or be a part of an overall project, that if combined over a continuous period of time, would exceed \$1,000,000. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

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(3) The ~~((office of financial management))~~ agency shall ~~((forward))~~ provide copies of these project lists and revised lists to the ~~office of financial management,~~ the house of representatives capital budget committee, and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) It is generally not intended to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 221. A new section is added to 2005 c 488 (uncodified) to read as follows:

Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

Sec. 222. 2005 c 488 s 909 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of general administration:

(a) Enter into a financing contract for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the fifth and final phase of the roof membrane replacement at the east plaza parking structure as well as safety improvements to the parking garage below the plaza.

(b) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the fourth phase of the office building-2 rehabilitation that will renew failing building systems, correct code deficiencies, and improve access.

(c) Enter into a financing contract for up to \$13,000,000 plus financing expenses and required reserves pursuant to

chapter 39.94 RCW for the rehabilitation of the Cherberg building.

(2) Liquor control board: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an extension to the liquor control board's distribution center to meet liquor sales growth through 2018.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

~~((a))~~ ~~Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the North Center building.~~

~~((b))~~ Enter into a financing contract on behalf of Clark College for up to \$9,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a ~~((parking structure))~~ building for a training center.

~~((c))~~ ~~(b)~~ Enter into a financing contract on behalf of Clover Park Technical College for up to \$14,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student center.

~~((d))~~ ~~(c)~~ Enter into a financing contract on behalf of Columbia Basin College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Hawk Union building.

~~((e))~~ ~~(d)~~ Enter into a financing contract on behalf of Edmonds Community College for up to \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore and student center.

~~((f))~~ ~~(e)~~ Enter into a financing contract on behalf of Edmonds Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a black box theater as a part of the Instructional Lab building.

~~((g))~~ ~~(f)~~ Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

~~((h))~~ ~~(g)~~ Enter into a financing contract on behalf of Olympic College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student center bookstore.

~~((i))~~ ~~(h)~~ Enter into a financing contract on behalf of Shoreline Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student union building.

~~((j))~~ ~~(i)~~ Enter into a financing contract on behalf of Skagit Valley Community College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate existing space into a new student center.

~~((k))~~ ~~(j)~~ Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land, make site improvements, and construct a

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building for ~~((the enology program))~~ professional-technical instruction.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$640,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the health sciences building at the Clarkston center.

(l) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a math and science building.

(m) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(n) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(o) Enter into a financing contract on behalf of Columbia Basin College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the Richland health sciences center.

(p) The projects in ~~((a)-(k))~~ (f), ~~((k)-(l))~~ (j), (l), (m), and (n) of this subsection are reauthorizations of projects originally authorized in the 2003-2005 biennium. If the college enters into a financing contract before the effective date of this section, then the appropriate reauthorization contained in this section is null and void.

(6) Washington State University: Enter into a financing contract for up to \$11,650,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bioproducts facility in the Tri-Cities.

(7) Western Washington University: Enter into a financing contract for up to \$2,590,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lincoln Creek transportation center.

Sec. 223. RCW 43.---.--- (section 6, chapter ---, Laws of 2006, (E3SHB No. 2939)) is amended to read as follows:

The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature. Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 224. A new section is added to 2005 c 488 (uncodified) to read as follows:

The legislature finds that financing costs are only one important dimension to consider when analyzing and comparing the use of conventional bonds with other capital project financing mechanisms in the development of major public facilities. Other factors to consider include total project and life-cycle costs, long-term costs of capital, scheduling, generally accepted accounting principles, transfer of risk, project management, project complexity, public works contracting procedures, and applicability of private sector strategies or practices in the development and ongoing maintenance of public facilities.

The office of financial management shall provide a report based on available information to the appropriate fiscal committees of the legislature by September 1, 2007, including:

Best practices for managing capital project costs including long-term forecasting information for facility preservation, major facility or system replacement, and new capacity to result in more effective investment decisions for major public facilities and infrastructure;

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(2) Best practices in the state's capital budgeting process and public works contracting procedures;

(3) Appropriate uses of alternative capital project financing; and

(4) Management of risk and reduction of potential claims and litigation associated with state construction projects, including the enumeration of best practices for the management of project risk and conflicts, in order to minimize future expenses related to construction claims.

The office of financial management shall collaborate with staff of the appropriate fiscal committees of the legislature while collecting this information.

NEW SECTION. Sec. 225. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS' AFFAIRS. The department shall develop a business plan for a state operated veterans' cemetery located in eastern Washington. The department shall submit the business plan to the legislature and the office of financial management by September 1, 2006. The business plan must include, but not be limited to the following:

(1) A 10-year financial plan including:

(a) Capital investment costs including a schedule for design and construction;

(b) Biennial operating costs; and

(c) Forecasted revenues including license plate sales, veterans administration plot allowances, endowments, and grants.

(2) An assessment of cemetery needs for veterans and veterans' families in eastern Washington.

(3) An evaluation of potential sites for the cemetery that would be within a reasonable distance of the majority of veterans' families. The department shall work closely with the department of natural resources to determine potential sites.

(4) An analysis of lands that are currently owned by the department that could be sold in exchange for land for a cemetery in eastern Washington.

NEW SECTION. Sec. 226. A new section is added to 2005 c 488 (uncodified) to read as follows:

Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon sale of the center as well as expenditure of the proceeds.

Sec. 227. RCW 43.99N.060 and 2000 c 137 s 1 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and

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exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. For the 2005-2007 biennium, moneys in the account may also be used for a recreation level of service study for local and regional active recreation facilities. Only the director of the interagency committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor recreation. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. The director of the interagency committee for outdoor recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

NEW SECTION. Sec. 228. A new section is added to 2005 c 488 (uncodified) to read as follows:

The interagency committee for outdoor recreation shall develop recommendations for a statewide approach to a recreation level of service for local and regional active recreation facilities, including indicators with which to measure progress in achieving level of service objectives. The recommendations must be coordinated with those of the priorities of government effort. The interagency committee for outdoor recreation shall also recommend standardized definitions for types of parks and recreational facilities, and a process for periodically measuring performance indicators and

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reporting the results. The interagency committee for outdoor recreation may enter into a contract with an entity with expertise in parks facility planning, level of service standards, and geographic information systems. The interagency committee for outdoor recreation shall submit a report to the appropriate committees of the legislature by January 1, 2007. The report must include the following: (1) Level of service standards including individual participation measures; (2) service area analysis using geographic information system tools and techniques; and (3) recommendations to incorporate level of service reporting into grant-in-aid programs.

Sec. 229. RCW 44.28.801 and 2005 c 425 s 5 are each amended to read as follows:

(1) The joint legislative audit and review committee, in consultation with staff from the appropriate fiscal committees of the legislature and the office of financial management, shall conduct an inventory of all state public infrastructure programs and funds. The inventory shall identify: The public infrastructure state programs and funds and the purposes each serve; how the program or fund is implemented; the types of public infrastructure projects supported by the program or fund; the dollar amount of the projects funded by each program or fund; the balance of a fund, if applicable; and the geographic distribution of projects supported by a program or fund. Where applicable, the inventory shall identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds. Where appropriate, the inventory shall evaluate the return on investment for economic development infrastructure programs. The inventory shall be delivered to the appropriate committees of the legislature by December ((±)) 2006. It is the intent of the legislature to use the inventory information to identify or develop a comprehensive funding structure to support the integration, consolidation, and standardization of processes, procedures, and infrastructure programs.

(2) By September ((±)) 2010, the joint legislative audit and review committee shall submit a report on the outcomes of the job development fund program to the appropriate committees of the legislature. The report shall apply the performance and evaluation criteria developed by the community economic revitalization board and the committee and shall include a project by project review detailing how the funds were used and whether the performance measures were met. The report shall also include impacts to the availability of low-interest and interest-free loans to local governments under RCW 43.155.055, 43.155.060, 43.155.065, and 43.155.068, resulting from appropriations to the job development fund. Information in the report shall include, but not be limited to:

(a) The total funds appropriated from the public works assistance account to the job development account;

(b) The ratio of loan requests submitted to the public works board as compared to actual money available for loans in the public works assistance account since July 24, 2005;

(c) The total amount that would have been available for loans from the public works assistance account had this act not taken effect;

(d) Identification of specific loan requests that would have qualified for funding under chapter 43.155 RCW had money been available in the public works assistance account;

(e) Assessment of increased costs for otherwise qualifying projects where local governments were compelled to seek alternate funding sources.

NEW SECTION. Sec. 230. A new section is added to 2005 c 488 (uncodified) to read as follows:

(1) Space used by the department of services for the blind for food services and vending machines shall be treated as common space for the purposes of rent. The rental charges will be apportioned to other tenant occupants of each individual building that has blind vendors. The department of general administration shall provide preventative maintenance on all permanently attached fixtures in these facilities.

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(2) Private office buildings located in the capital area that lease space to at least one hundred state employees must contract with the department of services for the blind to provide vending facilities and/or vending machines in those facilities. If the department indicates to the building owner that a vendor is not available, or that the building does not meet the needs of the blind vendors' program, the building owner may then seek other vendors for the facility. However, all vending machines in such facilities shall be provided by the department.

(3) For purposes of this section, "capital area" includes the area within the boundaries of Olympia, Tumwater, and Lacey, Washington.

(4) Within existing funds, the department of services for the blind, in conjunction with the office of financial management and the department of community, trade, and economic development shall study the establishment of a process enabling blind vendors to enter into franchise agreement with commercial food service providers. The department of services for the blind shall report its findings and recommendations to the appropriate legislative committees by October 1, 2006.

Sec. 231. RCW 27.34.330 and 2005 c 333 s 16 and 2005 c 160 s 3 are each reenacted and amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the department, shall establish and submit a prioritized list of heritage capital projects to the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ ten million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 232. RCW 27.34.330 and 2005 c 160 s 3 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit

corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the ~~((state office))~~ department of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ ten million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 233. RCW 43.63A.125 and 2005 c 160 s 1 are each amended to read as follows:

(1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

(a) The department shall conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department shall submit a prioritized list of recommended projects to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ ten million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ Except for the 1999-2001 biennium, the

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department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 234. RCW 43.63A.135 and 2005 c 160 s 4 are each amended to read as follows:

(1) The department of community, trade, and economic development must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist nonprofit youth organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential services, excluding outdoor athletic fields.

(2) The department of community, trade, and economic development must establish a competitive process to prioritize applications for the assistance as follows:

(a) The department of community, trade, and economic development must conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department of community, trade, and economic development. The department of community, trade, and economic development must evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. Projects must have a major recreational component, and must have either an educational or social service component. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the services it provides to youth. The evaluation and ranking process must also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section may not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department of community, trade, and economic development must submit a prioritized list of recommended projects to the governor and the legislature in the department of community, trade, and economic development's biennial capital budget request beginning with the 2005-2007 biennium and thereafter. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list must not exceed ~~((two))~~ eight million dollars. ~~((The department of community, trade, and economic development may provide an additional prioritized alternate project list that must not exceed one million dollars.))~~ The department of community, trade, and economic development may not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department of community, trade, and economic development must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 235. RCW 43.63A.750 and 2005 c 160 s 2 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ twelve million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 236. RCW 43.185.050 and 2005 c 219 s 1 and 2005 c 518 s 1801 are each reenacted and amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

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(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

- (a) New construction, rehabilitation, or acquisition of low and very low-income housing units;
- (b) Rent subsidies;
- (c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;
- (d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;
- (e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;
- (f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;
- (g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;
- (h) Mortgage insurance guarantee or payments for eligible projects;
- (i) Down payment or closing cost assistance for eligible first-time home buyers;
- (j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing;

~~((and))~~

(k) Projects making housing more accessible to families with members who have disabilities; and

(1) During the 2005-2007 fiscal biennium, a manufactured/mobile home landlord-tenant ombudsman conflict resolution and park registration program.

(3) During the 2005-2007 fiscal biennium, revenues generated under RCW 36.22.178 may be used for the development of affordable housing projects and other activities funded in section 108 of this act.

~~(4)~~ (5) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

~~((4))~~ (6) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

~~((5))~~ (6) Administrative costs of the department shall not exceed five percent of the annual funds available for the housing assistance program ~~(except in fiscal year 2005 when administrative costs shall not exceed five percent).~~

Sec. 237. 2005 c 488 s 927 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Local Toxics Control Account: For transfer to the state toxics control account \$13,900,000

State Drought Preparedness Account: For transfer to the charitable, education, penal and reformatory institutions account \$870,000

Washington Housing Trust Account: For transfer to the homeless families services account . . \$4,000,000

NEW SECTION. Sec. 238. (1) Section 229 of this act expires June 30, 2011.

(2) Section 231 of this act expires June 30, 2007.

NEW SECTION. Sec. 239. Section 232 of this act takes effect June 30, 2007.

NEW SECTION. Sec. 240. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 241. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 242. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.99N.060, 44.28.801, 27.34.330, 43.63A.125, 43.63A.135, and 43.63A.750; amending RCW 43.---- (section 8, chapter ---, Laws of 2006, (E3SHB No. 2939)); amending 2005 c 488 ss 109, 112, 125, 131, 138, 142, 152, 156, 161, 162, 201, 206, 238, 252, 255, 264, 287, 323, 324, 325, 327, 329, 330, 340, 341, 342, 346, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 395, 398, 401, 402, 414, 425, 427, 443, 451, 453, 601, 605, 606, 607, 609, 610, 612, 613, 632, 650, 696, 714, 733, 777, 795, 905, 909, and 927 (uncodified); reenacting and amending RCW 27.34.330 and 43.185.050; adding new sections to 2005 c 488 (uncodified); creating new sections; providing an effective date; providing expiration dates; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6384 be adopted.

Senators Fraser, Brandland and Kline spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6384 be adopted.

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

Senator Benton spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6384, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6384, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I would just, as we conclude the capital budget bonds and the budget itself, I'd just like to take a quick moment to express special appreciation to Brian Simms, who is the Capital Budget Coordinator. I'd appreciate it if he could be invited to stand at the side so we could give him special thanks for working on every letter and number in here. It's quite an effort."

PERSONAL PRIVILEGE

Senator Fairley: "Thank you Mr. President. Well, as highly as I think of Ways & Means staff and I love them all, I also feel the need to thank my staff in Financial Institutions, Housing & Consumer Protection. Jennifer Arnold and Joanne Conrad have done a great deal of work. They work their hearts out with a chair who doesn't appreciate the subject matter much but is willing to hear about it over and over again. I really do have to thank them. They are some of the nicest people I've ever met. Thank you."

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6519 was returned to second reading for purpose of an amendment: 6519-S AMH STRO MORI 070, and passed the House as amended by the House.

On page 9, line 9, after "level" insert "II or"

On page 9, line 10, after "registered" strike ", for a period of five years"

On page 9, line 14, after "period of" insert "at least"

On page 9, line 14, after "community" strike "is no longer subject to" and insert "may petition the superior court to be relieved of"

On page 9, line 15, after "days." insert "The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of

the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose."

On page 20, line 3, after "level" insert "II or"

On page 20, line 4, after "registered" strike ", for a period of five years"

On page 20, line 8, after "period of" insert "at least"

On page 20, line 8, after "community" strike "is no longer subject to" and insert "may petition the superior court to be relieved of"

On page 20, line 9, after "days." insert "The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

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

MOTION

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6519 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6519, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-NINTH DAY, MARCH 8, 2006

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:

The House insists on position on its amendment{s} to SENATE BILL NO. 6680 and asks Senate to concur therein. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Senate Bill No. 6680.

Senator Brandland spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Senate Bill No. 6680.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6680 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6680, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6680, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 6680, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2006

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2431 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Campbell, Morrell and Hinkle and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate insist on its position on the House amendment(s) to Substitute House Bill No. 2431 and ask the House to concur thereon.

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Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate insist on its position on the House amendment(s) to Substitute House Bill No. 2431 and ask the House to concur hereon.

The motion by Senator Keiser carried and the Senate insisted on its position in the House amendment(s) to Substitute House Bill No. 2431 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5535,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6225,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6896,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2778, by House Committee on Finance (originally sponsored by Representatives Murray, Kristiansen, Dickerson, Clements, Chase, McDonald and Dunn)

Allowing tax deductions for nonprofit convention and tourism promotion corporations. Revised for 1st Substitute: Exempting certain amounts received by nonprofit convention and tourism promotion corporations from business and occupation tax.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee amendment by the Committee on International Trade & Economic Development be adopted.

On page 1, line 11, after "quasi-municipal corporation," insert "federally recognized Indian tribe,"

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

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on International Trade & Economic Development to Substitute House Bill No. 2778.

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

MOTION

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On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2778 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2778 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2778 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Benton and Deccio - 2

SUBSTITUTE HOUSE BILL NO. 2778 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House passed Conference Committee report on SUBSTITUTE SENATE BILL NO. 6241, and has passed the bill as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"2005-07 BIENNIUM

Sec. 1. 2005 c 313 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2007.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation \$217,000

Sec. 102. 2005 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation ((~~\$390,000~~)) \$394,000

The appropriation in this section is subject to the following conditions and limitations: To address its growing caseload, the marine employees commission shall develop a plan for prioritizing cases to schedule for hearings. The commission shall report back to the transportation committees of the legislature on its case prioritization plan by December 15, 2005.

Sec. 103. 2005 c 313 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation ((~~\$329,000~~)) \$330,000

The appropriation in this section is subject to the following conditions and limitations: ((~~\$329,000~~)) \$330,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

Sec. 104. 2005 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation ((~~\$200,000~~)) \$487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((If Second Substitute Senate Bill No. 5056 is not enacted by June 30, 2005, the entire appropriation shall lapse.~~

~~(2) The entire) \$200,000 of the motor vehicle account--state appropriation is for additional staffing costs to be dedicated to state transportation activities. Furthermore, any staff hired to support transportation activities must have practical experience with complex construction projects.~~

~~(2) \$236,000 of the motor vehicle account--state appropriation is provided solely for legal expenses related to the Lower Elwha Klallam Tribe v. Washington (graving dock) case.~~

~~(3) \$51,000 of the motor vehicle account--state appropriation is provided solely for a pilot project testing remote sensing technology in archeological investigations and surveys for transportation projects.~~

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NEW SECTION. Sec. 105. A new section is added to 2005 c 313 (uncodified) to read as follows:

The completed study must be submitted to the appropriate legislative committees by December 1, 2006.

Sec. 202. 2005 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Account--State Appropriation \$50,000
The appropriation in this section is subject to the following conditions and limitations: The total appropriation is provided solely for an evaluation of the current business needs of the legislative transportation fiscal committee staffs with respect to the transportation executive information system (TEIS). The committee shall work with the staffs of the transportation committees, the office of financial management, and the department of transportation to perform the evaluation. Results of the evaluation, including any recommendation for system improvements and usability, shall be submitted to the transportation committees of the legislature and the office of financial management by December 1, 2006.

Rural Arterial Trust Account--State Appropriation ~~(((\$821,000))~~
\$823,000
Motor Vehicle Account--State Appropriation . . ~~(((\$1,942,000))~~
\$1,950,000
County Arterial Preservation Account--State Appropriation
..... ~~(((\$777,000))~~
\$780,000
TOTAL APPROPRIATION . . ~~(((\$3,540,000))~~
\$3,553,000

Sec. 203. 2005 c 313 s 203 (uncodified) is amended to read as follows:

GENERAL GOVERNMENT AGENCIES--CAPITAL

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Sec. 106. 2005 c 313 s 106 (uncodified) is amended to read as follows:

Urban Arterial Trust Account--State Appropriation
..... ~~(((\$1,624,000))~~
\$1,630,000
Transportation Improvement Account--State Appropriation
..... ~~(((\$1,625,000))~~
\$1,632,000
TOTAL APPROPRIATION . . ~~(((\$3,249,000))~~
\$3,262,000

Sec. 204. 2005 c 313 s 204 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Motor Vehicle Account--State Appropriation \$1,400,000
The appropriation in this section is subject to the following conditions and limitations:
(1) \$1,300,000 of the motor vehicle account--state appropriation is a one-time appropriation and is provided solely for the SR 14 interchange and bridge portion of the Beacon Rock state park entrance road project. Any portion of the appropriation not expended by June 30, 2007, shall revert to the motor vehicle account--state.
(2) \$100,000 of the appropriation is provided solely for road work on state route 20 at Deception Pass state park.

Pilotage Account--State Appropriation ~~(((\$417,000))~~
\$1,020,000
The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board; however, if Engrossed Substitute Senate Bill No. 6870 (pilot trainees stipends) is enacted by June 30, 2006, then \$600,000 of the total appropriation provided in this act shall lapse and the appropriation provided in Engrossed Substitute Senate Bill No. 6870 shall govern.

Sec. 205. 2005 c 313 s 205 (uncodified) is amended to read as follows:

TRANSPORTATION AGENCIES--OPERATING

FOR THE JOINT TRANSPORTATION COMMITTEE

Sec. 201. 2005 c 313 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation . ~~(((\$2,135,000))~~
\$2,145,000
Highway Safety Account--Federal Appropriation
..... ~~(((\$15,828,000))~~
\$15,833,000
School Zone Safety Account--State Appropriation . \$3,300,000
Bicycle and Pedestrian Safety Account--State
Appropriation \$40,000
TOTAL APPROPRIATION . ~~(((\$21,303,000))~~
\$21,318,000

Motor Vehicle Account--State Appropriation . . ~~(((\$1,400,000))~~
\$1,679,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by January 1, 2007.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

The appropriations in this section are subject to the following conditions and limitations: The Washington traffic safety commission shall contract with the Washington state institute for public policy to conduct a study of the impact of state programs concerning the reduction of DUI recidivism. The study must include, on a prioritized basis to the extent federal funds are made available for the study, the following components: (1) The state's existing deferred prosecution program; (2) the state's vehicle impound program; and (3) other states' programs that restrict a person's access to the vehicle, or suspend the vehicle license and registration, upon arrest or conviction.

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(i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and

(ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

(4) \$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.

(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.

(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.

(5) \$75,000 of the motor vehicle account--state appropriation is provided solely for the joint transportation committee to contract for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also

evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.

(6) The committee shall conduct an evaluation of the department of transportation surface transportation program enhancement grant program. The evaluation will include (a) information about the categories of projects submitted for consideration; (b) a review of the allocation of funds awarded across the categories of STP enhancement eligible activities; (c) a review of the criteria used to score projects; and (d) a finding by the committee whether certain categories of projects are disproportionately funded or unfunded.

Sec. 206. 2005 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	(\$4,607,000)
	<u>\$3,954,000</u>
Multimodal Transportation Account--State	
Appropriation	(\$1,150,000)
	<u>\$1,252,000</u>
TOTAL APPROPRIATION	(\$5,757,000)
	<u>\$5,206,000</u>

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

(1) \$1,500,000 of the motor vehicle fund account--state appropriation is provided solely for a comprehensive tolling study. The transportation commission, with the technical assistance of the department, must conduct a study of the state's transportation system to determine the feasibility of administering tolls on specific transportation facilities or a network of facilities. This study shall serve as the statewide tolling feasibility study required in Engrossed Substitute House Bill No. 1541, and shall serve as the tolling study necessary to implement toll facilities within a regional transportation investment district or its successor entity.

(a) The study must include an analysis of the only currently-authorized toll facility, the Tacoma Narrows bridge project. The study findings must include (i) the development of more uniform and equitable policies regarding the distribution of financial obligations imposed on those paying the tolls on the Tacoma Narrows bridge, and (ii) opportunities and options for reducing the outstanding indebtedness on the bridge project, including the possibility of buy-downs and other means of spreading the cost of the project more equitably.

(b) The study element for the benefit of a regional transportation investment district or regional transportation improvement authority must also address the state highway system and other transportation facilities in King, Pierce, and Snohomish counties to determine the feasibility of value pricing on a facility or network of facilities. This study element should: (i) Determine the potential for value pricing to generate revenues for needed transportation facilities; (ii) maximize the efficient operation of facilities and the transportation network; and (iii) provide economic indicators for future system investments. This element of the study must take into account congestion levels, facility and corridor capacity, time of use, economic considerations, and other factors deemed appropriate. The study must recommend any additional laws, rules, procedures, resources, studies, reports, or support infrastructure necessary or desirable before proceeding with the review, evaluation, or implementation of any toll projects or a system-wide, value priced transportation structure.

(c) The study must specifically analyze the potential for a toll facility on SR 704, the cross-base highway located in Pierce county.

(2) ~~(\$2,270,000)~~ \$1,362,000 of the motor vehicle account--state appropriation is provided solely for the transportation performance audit board. ~~(Within this amount, the transportation performance audit board shall conduct a study and make recommendations to the legislature regarding the~~

modification RCW 47.01.012, state transportation goals and benchmarks. In conducting the study, the board shall consider at a minimum: Original recommendations of the Blue-Ribbon Commission on Transportation; the current policy goals and benchmark categories; the goals outlined in Substitute House Bill No. 1969; the recent work related to benchmarks completed by the transportation commission and the Washington state department of transportation; the measures review completed by TPAB; and best practices.

The board shall submit study results, including any legislative recommendations, to the transportation committees of the legislature by January 1, 2006.)

(3) \$1,150,000 of the multimodal account--state appropriation is provided solely for a statewide rail capacity and needs analysis. The purpose of this study is to (a) assess the rail freight and rail passenger infrastructure needs in this state; (b) review the current powers, authorities, and interests the state has in both passenger and freight rail; (c) recommend public policies for state participation and ownership in rail infrastructure and service delivery, including but not limited to planning and governance issues; and (d) develop a rail asset management plan. The commission shall report their findings and conclusions of the study to the transportation committees of the legislature by December 1, 2006.

(4) The transportation commission shall implement tolls on the Tacoma Narrows bridge that create an incentive for electronic toll payers.

Sec. 207. 2005 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation (~~\$664,000~~)
\$666,000

The appropriation in this section is subject to the following conditions and limitations: The board shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects funded by this act.

Sec. 208. 2005 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation
..... (~~\$202,530,000~~)
\$201,063,000
State Patrol Highway Account--Federal Appropriation
..... \$10,544,000
State Patrol Highway Account--Private/Local Appropriation
..... \$169,000
TOTAL APPROPRIATION (~~\$213,243,000~~)
\$211,776,000

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

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including

increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

~~((8))~~ (7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter

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313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

NEW SECTION. Sec. 209. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation \$1,358,000
Sec. 210. 2005 c 313 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL-- TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation	
.....	(((82,748,000)))
	\$91,359,000
State Patrol Highway Account--Private/Local	
Appropriation	\$2,008,000
TOTAL APPROPRIATION .	(((84,756,000)))
	\$93,367,000

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

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) ~~(\$6,228,000 of the total appropriation is provided solely for automobile fuel in the 2005-2007 biennium.~~

~~(4))~~ \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

~~((5))~~ (4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

~~((6))~~ (5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

Sec. 211. 2005 c 313 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING-- MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$3,000
Motorcycle Safety Education Account--State Appropriation	
.....	\$96,000
Wildlife Account--State Appropriation	(((82,000)))
	\$95,000
Highway Safety Account--State Appropriation	(((11,418,000)))
	\$11,574,000
Motor Vehicle Account--State Appropriation . .	(((7,043,000)))
	\$7,381,000
DOL Services Account--State Appropriation	(((88,000)))
	\$102,000
(((Biometric Security Account--State Appropriation--	57,000)))
TOTAL APPROPRIATION .	(((18,787,000)))
	\$19,251,000

The appropriations in this section are subject to the following conditions and limitations: \$1,134,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 212. 2005 c 313 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--
INFORMATION SERVICES**

TOTAL APPROPRIATION . ~~((52,968,000))~~
\$54,351,000

Marine Fuel Tax Refund Account--State Appropriation	\$2,000
Motorcycle Safety Education Account--State Appropriation	
.....	\$35,000
Wildlife Account--State Appropriation	\$102,000
Highway Safety Account--State Appropriation	((20,698,000))
	\$22,632,000
Motor Vehicle Account--State Appropriation	((12,095,000))
	\$12,135,000
Motor Vehicle Account--Private/Local Appropriation	\$500,000
DOL Services Account--State Appropriation	((7,825,000))
	\$5,919,000
((Biometric Security Account--State Appropriation	\$728,000))
TOTAL APPROPRIATION	((41,985,000))
	\$41,325,000

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

(1) The department shall submit a report to the transportation committees of the legislature, detailing the progress made in transitioning from the HP3000 system, by December 30, 2005, and each December 1st thereafter until the project is fully completed.

(2) \$357,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(3) \$58,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$145,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$8,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) \$15,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$12,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 213. 2005 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$26,000
Wildlife Account--State Appropriation	((626,000))
	\$627,000
Motor Vehicle Account--State Appropriation	((49,894,000))
	\$51,276,000
Motor Vehicle Account--Private/Local Appropriation	\$872,000
DOL Services Account--State Appropriation	\$1,146,000
Highway Safety Account--State Appropriation	\$404,000

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

(1) \$247,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(2) \$11,000 of the wildlife account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$404,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$37,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) \$5,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) The department of licensing, in consultation with the department of transportation, Washington state patrol, local law enforcement agencies, and other appropriate organizations, shall study the feasibility of creating a toll-free hotline for the public to report violations of accessible parking laws, including RCW 46.16.381 and 46.61.581. A report on the findings of this study is due to the transportation committees of the legislature by December 1, 2006, and shall include recommendations on how to disseminate and publicize information to the public that explains the existence, purpose, and method of accessing such a hotline, and how to partner with appropriate law enforcement agencies in the jurisdiction in which alleged violations occurred. In making recommendations regarding the potential establishment of an accessible parking violation hotline, the department of licensing shall consider how to utilize or partner with existing statewide and regional hotlines.

Sec. 214. 2005 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State	
Appropriation	((3,005,000))
	\$3,006,000
Highway Safety Account--State Appropriation	((85,051,000))
	\$87,078,000
Highway Safety Account--Federal Appropriation	\$8,000
((Biometric Security Account--State Appropriation	\$1,523,000))
TOTAL APPROPRIATION	((89,587,000))
	\$90,092,000

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

(1) \$970,000 of the highway safety account--state appropriation is provided solely for the commercial driver license program. The department shall informally report to the transportation committees of the legislature on the progress made in addressing federal audit findings and in implementing the federal motor carrier safety improvement act. Reports shall

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be made by the following dates: November 1, 2005, and each November 1st thereafter.

(2) \$412,000 of the motorcycle safety and education account--state appropriation is provided solely for the department's motorcycle safety program. The department shall informally report to the transportation committees of the legislature detailing the progress made in implementing national highway traffic safety assessment guidelines. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(3) The department of licensing, in consultation with the department of transportation and other stakeholders, shall draft legislation to bring the state into compliance with any federal legislation or rules enacted relative to identification necessary for persons crossing international borders. The department shall report to the transportation committees of the legislature by December 1, 2005, on the recommended legislation for bringing the state into compliance with federal requirements.

(4) \$738,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The department shall join in any lawsuits filed by other states seeking funding to implement the provisions of Title II of P.L. 109-13, improved security for driver's license and personal identification cards (Real ID), as passed by Congress May 10, 2005, whenever the department is legally and ethically permitted to do so.

(6) The department shall coordinate with the federally designated organ procurement organization for Washington state to develop instructional materials relating to organ and tissue donation awareness education. The instructional materials shall be provided to each qualifying applicant for an instructor's license or a driver training school license. All costs associated with the development, distribution, and implementation of the instructional materials shall be the responsibility of the foundation established under RCW 46.12.510.

Sec. 215. 2005 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

Tacoma Narrows Toll Bridge Account--State Appropriation ~~(\$8,615,000)~~
\$8,294,000

Sec. 216. 2005 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation . . ~~(\$55,941,000)~~
\$56,295,000
Motor Vehicle Account--Federal Appropriation . . . \$1,973,000
Puget Sound Ferry Operations Account--State
Appropriation ~~(\$8,558,000)~~
\$8,572,000
Multimodal Transportation Account--State Appropriation
. \$363,000
TOTAL APPROPRIATION . . ~~(\$66,835,000)~~
\$67,203,000

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

(1) ~~(\$850,000)~~ \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during

the ~~((2005))~~ 2006 legislative interim to continue the shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects. The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in TEIS. The department shall also provide updated information on six project milestones for projects agreed to by the legislature, office of financial management, and the department, and funded with preexisting funds, on a quarterly basis in TEIS.

(2) \$350,000 of the motor vehicle account--state appropriation is provided solely for a financial and capital project system needs assessment for future automation development and enhancements. The completed assessment will identify options which shall be presented to the transportation committees of the senate and the house of representatives by December 31, 2005.

(3) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(4) The department shall review its GPS network services and survey data, and evaluate the added benefits of using real-time data from a regional cooperative GPS network.

(5) The department shall report to the joint transportation committee by November 15, 2006, on the plan for the next phase of the critical applications systems replacement project.

Sec. 217. 2005 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation . . ~~(\$33,499,000)~~
\$33,600,000

Sec. 218. 2005 c 313 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation ~~(\$5,632,000)~~
\$7,137,000
Aeronautics Account--Federal Appropriation \$2,150,000
~~((Aircraft Search and Rescue Safety and
Education Account--State Appropriation \$262,000))~~
Multimodal Transportation Account--State Appropriation
. \$100,000
Multimodal Transportation Account--Federal Appropriation
. \$900,000
TOTAL APPROPRIATION . . ~~(\$9,044,000)~~
\$10,287,000

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

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

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(b) ~~((The entire aircraft search and rescue safety and education account appropriation shall lapse if Substitute Senate Bill No. 5414 is enacted by June 30, 2005.~~

(e)) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 219. 2005 c 313 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation . . .	(((\$48,961,000))
	<u>\$52,828,000</u>
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Account--State Appropriation	\$250,000
TOTAL APPROPRIATION	(((\$49,711,000))
	<u>\$53,578,000</u>

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

(1) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties for (a) activities of the transportation permit efficiency and accountability committee, including pilot mitigation banking activities, and (b) other permit delivery efforts.

(2) ~~(((\$1,475,000))~~ \$1,775,000 of the motor vehicle account--state appropriation is provided solely for the staffing activities of the transportation permit efficiency and accountability committee.

(3) \$3,500,000 of the motor vehicle account--state appropriation is provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services and include department of information services' recommendations in their reports.

The consultants shall develop a capital construction strategic plan, due to the transportation committees of the house of representatives and senate and to the office of financial management, by June 30, 2006.

The consultants shall also coordinate their work with other budget and performance efforts, including Roadmap, the joint transportation committee budget study, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by July 31, 2006, on recommended capital budgeting and reporting options. Options must include appropriate project groupings for reporting purposes, and appropriate measures for reporting project progress, timeliness, cost, and criteria and processes for project transfers.

Sec.220. 2005 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation . . .	(((\$1,068,000))
	<u>\$1,072,000</u>

Sec. 221. 2005 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation . . .	(((\$296,648,000))
	<u>\$299,720,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$1,426,000
Motor Vehicle Account--Private/Local Appropriation	
.....	\$4,315,000
TOTAL APPROPRIATION	(((\$302,389,000))
	<u>\$305,461,000</u>

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

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

Sec. 222. 2005 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation . . .	(((\$42,811,000))
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	<u>\$43,847,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$128,000
TOTAL APPROPRIATION . . .	(\$44,989,000)
	<u>\$46,025,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

Sec. 223. 2005 c 313 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION MANAGEMENT AND SUPPORT--
PROGRAMS**

Motor Vehicle Account--State Appropriation . . .	(\$25,434,000)
	<u>\$25,516,000</u>
Motor Vehicle Account--Federal Appropriation	\$30,000
Puget Sound Ferry Operations Account--State Appropriation	\$1,321,000
Multimodal Transportation Account--State Appropriation	\$973,000
TOTAL APPROPRIATION . . .	(\$27,758,000)
	<u>\$27,840,000</u>

Sec. 224. 2005 c 313 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION PLANNING, DATA, AND
RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation . . .	(\$22,390,000)
	<u>\$24,052,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$16,756,000
Multimodal Transportation Account--State Appropriation	(\$2,267,000)
	<u>\$2,279,000</u>
Multimodal Transportation Account--Federal Appropriation	\$2,829,000
Multimodal Transportation Account--Private/Local Appropriation	\$100,000
Transportation Partnership Account--State Appropriation	(\$6,000,000)
	<u>\$2,300,000</u>
TOTAL APPROPRIATION . . .	(\$50,342,000)
	<u>\$48,316,000</u>

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

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

~~((3) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and~~

~~department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If either Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089 are enacted by June 30, 2005, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2006.~~

~~---~~ ~~((4))~~ (2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

~~((5))~~ (3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((6))~~ (4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

~~((7))~~ (5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) \$700,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.

(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount

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provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(9) \$2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(10) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

(12) \$150,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

Sec. 225. 2005 c 313 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation . ((~~\$45,030,000~~))
\$46,874,000
Motor Vehicle Account--Federal Appropriation \$400,000

TOTAL APPROPRIATION . ((~~\$45,430,000~~))
\$47,274,000

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

(1) \$31,749,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES \$1,667,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ((~~\$1,017,000~~))
\$1,026,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES \$4,049,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL ((~~\$3,572,000~~))
\$4,548,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$31,749,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,717,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT \$545,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES ((~~\$1,114,000~~))
\$1,124,000

(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL HRMS PAYROLL SYSTEM \$817,000

(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES \$12,000

(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT CAPITAL BUDGET SYSTEM CHARGES \$15,000

(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES RATE INCREASES \$5,000

Sec. 226. 2005 c 313 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Appropriation ((~~\$62,269,000~~))
\$87,233,000

Multimodal Transportation Account--Federal Appropriation \$2,603,000

Multimodal Transportation Account--Private/Local Appropriation \$155,000

TOTAL APPROPRIATION . ((~~\$65,027,000~~))
\$89,991,000

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

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for

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special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) ~~(\$5,000,000)~~ \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union. ~~((Should the city receive any state funds for this purpose during the 2003-05 or 2005-07 biennium, the amount provided in this subsection must be reduced accordingly.))~~

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) \$20,000,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, Regional Mobility Grant Program Projects

as developed March 8, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in ((Engrossed Substitute House Bill No. 2124)) RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$200,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 227. 2005 c 313 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State	
Appropriation	(\$350,454,000)
	\$372,254,000
Multimodal Transportation Account--State	
Appropriation	\$3,660,000
TOTAL APPROPRIATION	(\$354,114,000)
	\$375,914,000

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

(1) ~~(\$57,928,000)~~ \$75,280,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

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	<u>\$411,000</u>
TOTAL APPROPRIATION	(\$10,755,000)
	<u>\$11,508,000</u>

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

(1) \$211,000 of the motor vehicle account--state appropriation and ~~(\$211,000)~~ \$411,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) \$525,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2005 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	(\$67,933,000)
	<u>\$64,933,000</u>
Motor Vehicle Account--State Appropriation	\$355,000
County Arterial Preservation Account--State	
Appropriation	(\$30,392,000)
	<u>\$32,697,000</u>
TOTAL APPROPRIATION	(\$98,680,000)
	<u>\$97,985,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 302. 2005 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	(\$99,425,000)
	<u>\$101,425,000</u>
Small City Preservation and Sidewalk	
Account--State Appropriation	\$2,000,000
Transportation Improvement Account--State	
Appropriation	(\$103,601,000)
	<u>\$94,401,000</u>
TOTAL APPROPRIATION	(\$205,026,000)
	<u>\$197,826,000</u>

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

(1) The transportation improvement account--state appropriation includes up to \$14,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. ~~(The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.)~~

(2) \$2,000,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 303. 2005 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation	(\$2,492,000)
	<u>\$2,328,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$601,000)~~ \$584,000 of the motor vehicle account--state appropriation is provided solely for ~~(the)~~ statewide administration.

(2) \$632,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) ~~(\$224,000)~~ \$305,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) ~~(\$219,000)~~ \$239,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) ~~(\$833,000)~~ \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

Sec. 304. 2005 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State	
Appropriation	(\$1,175,004,000)
	<u>\$1,190,511,000</u>
Motor Vehicle Account--State Appropriation	(\$70,359,000)
	<u>\$85,165,000</u>
Motor Vehicle Account--Federal Appropriation (\$229,036,000)	<u>\$395,043,000</u>
Motor Vehicle Account--Private/Local Appropriation	
.	(\$33,893,000)
	<u>\$58,522,000</u>
Special Category C Account--State Appropriation (\$3,419,000)	<u>\$3,479,000</u>
Tacoma Narrows Toll Bridge Account Appropriation	
.	(\$272,329,000)
	<u>\$274,038,000</u>
Transportation Partnership Account--State	
Appropriation	(\$519,786,000)
	<u>\$384,186,000</u>
<u>Multimodal Transportation Account--State</u>	
Appropriation	<u>\$1,002,000</u>
TOTAL APPROPRIATION (\$2,303,826,000)	<u>\$2,391,946,000</u>

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

(1)(a) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~(2005-6)~~ 2006-1, Highway Improvement Program (I) as developed ~~(April 24, 2005)~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

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(b) Within the amounts provided in this subsection, ~~(\$5,000,000)~~ \$6,835,000 of the transportation partnership account--state appropriation ~~(is provided solely)~~, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project ~~(1090405)~~ 109040T: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for an SR 534 access point decision report.

(f) Within the amounts provided within this subsection, ~~(\$45,000,000)~~ \$6,000,000 of the transportation partnership account--state appropriation is ~~(provided solely)~~ for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(g) Within the amounts provided in this subsection, \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and \$4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(h) Within the amounts provided in this subsection, \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are for project I54302E: SR 543 (I-5 to the international boundary).

(2) The motor vehicle account--state appropriation includes ~~(\$53,000,000)~~ up to \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

~~(3) (The department shall not commence construction on any part of the SR 520 bridge project until agreements have been reached with the incorporated towns or cities that represent the communities affected by the SR 520 project. The agreements must provide reasonable assurance that no further degradation will occur to the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the SR 520 bridge and its connecting roadways. Such assurances may be achieved through engineering design choices, mitigation measures, or a combination of both.)~~ The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(4) The transportation partnership account--state appropriation includes ~~(\$400,000,000)~~ up to \$150,000,000 in proceeds from the sale of bonds authorized ~~(by Substitute House Bill No. 2311 (or the version as enacted into law))~~ in RCW 47.10.873. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ~~(\$15,313,000)~~ up to \$17,022,000 in unexpended proceeds from the ~~(January 2003)~~ March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes ~~(\$940,000,000)~~ up to \$880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. ~~(The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.)~~

~~(7) To manage some projects more efficiently, federal funds may be transferred from program Z to program I and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~(8))~~ (7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~((and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium)).~~ Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

~~((9))~~ (8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

~~((10))~~ (9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

~~((12))~~ \$13,000,000 of the transportation 2003 account (nickel account)--state appropriation and \$5,000,000 of the transportation partnership account--state appropriation are provided solely for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,000,000 will be provided in the 2007-09 biennium from the transportation partnership account.)

(10) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

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(11) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(13) \$500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.

(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.

(15) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

(16) \$250,000 of the transportation 2003 (nickel) account appropriation within the SR 520 project funding for project design is provided solely for the city of Seattle to prepare a plan for addressing the impacts of the SR 520 bridge replacement and HOV project on Seattle neighborhoods, parks, and institutions of higher education. In evaluating the project's impacts, the city shall give great weight to the concerns of neighborhoods and institutions of higher education impacted by design proposals. The mayor and council shall convene the advisory committee. The mayor and council shall have final approval of the plan. The legislature intends that the plan will allow a comprehensive approach to mitigating the impacts of the project and that the city presents the plan to the state department of transportation. The state department of transportation shall not commence construction on any part of the SR 520 bridge replacement and HOV project until agreements have been reached with the city, consistent with the 520 expansion impact plan.

The city must designate representation from the community council of each neighborhood impacted by the SR 520 bridge replacement and HOV project and representation from the arboretum to serve on an advisory committee to guide the planning process and plan preparation of the 520 expansion impact plan. The University of Washington shall designate a representative to serve on the advisory committee. The secretary of the state department of transportation shall designate a representative to serve on the advisory committee. The funds provided may be spent to contract with a consultant to: (a) Facilitate the activities of the advisory committee; (b) analyze impacts of alternative designs; (c) perform conceptual design work on proposals made by the advisory committee; and (d) prepare mitigation plans for alternative design concepts.

(17) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as

planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

(18)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.

(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

Sec. 305. 2005 c 313 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
PRESERVATION--PROGRAM P**

Transportation 2003 Account (Nickel Account)--State Appropriation	(\$10,622,000))
	\$1,687,000
Motor Vehicle Account--State Appropriation .	(\$76,824,000))
	\$94,799,000
Motor Vehicle Account--Federal Appropriation	(\$404,360,000))
	\$435,310,000
Motor Vehicle Account--Private/Local Appropriation	(\$6,656,000))
	\$8,485,000
Puyallup Tribal Settlement Account--State Appropriation	\$11,000,000
Transportation Partnership Account--State	

Appropriation	(\$139,533,000)
	\$24,540,000
TOTAL APPROPRIATION ((\$648,995,000))	<u>\$575,821,000</u>

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

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ((2005-6) 2006-1, Highway Preservation Program (P) as developed ((April 24, 2005)) March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~((a) Within the amounts provided in this subsection, \$139,033,000 of the transportation partnership account--state appropriation is provided solely for implementation of structures preservation (P2) projects.~~

~~((b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for implementation of other facilities (P2) projects.)~~

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/((11st)) 11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) (~~(\$11,590,000)~~) \$740,000 of the motor vehicle account--state appropriation, (~~(\$95,299,000)~~) \$106,149,000 of the motor vehicle account--federal appropriation, and (~~(\$113,591,000)~~) \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes (~~(\$50,000)~~) up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) (~~To manage some projects more efficiently, federal funds may be transferred from program Z to program P and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~((7)) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ((and on any~~

~~additional projects for which the department has expended funds during the 2005-07 fiscal biennium)). Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).~~

~~(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.~~

~~(8) The motor vehicle account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.~~

~~(9) \$4,000,000 of the motor vehicle account--federal appropriation and \$6,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.~~

Sec. 306. 2005 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation	(\$17,519,000)
	\$17,555,000
Motor Vehicle Account--Federal Appropriation	\$15,068,000
Motor Vehicle Account--Local Appropriation	\$108,000
TOTAL APPROPRIATION	(\$32,695,000)
	<u>\$32,731,000</u>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$11,255,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 307. 2005 c 313 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation	(\$153,184,000)
	\$122,324,000
Puget Sound Capital Construction Account--Federal Appropriation	(\$59,967,000)
	\$73,590,000
Puget Sound Capital Construction Account--Private/Local Appropriation	\$26,000
Multimodal Transportation Account--State Appropriation	\$13,249,000
Transportation 2003 Account (Nickel Account)--State Appropriation	(\$34,987,000)
	\$34,991,000
TOTAL APPROPRIATION ((\$261,413,000))	<u>\$244,180,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

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\$93,981,000

(1) The Puget Sound capital construction account--state appropriation includes ~~(\$72,000,000)~~ up to \$40,950,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. ~~((The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.))~~

(2) The multimodal transportation account--state appropriation includes up to \$10,249,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds from any part of the state appropriation.))~~

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Ferries Construction Program (W) as developed ~~((April 24, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely ~~((to implement approved recommendations of the stakeholder task force convened to study the most reliable and cost-effective means of providing passenger-only ferry service. The funds provided in this subsection shall be placed in reserve by the office of financial management. The funds may not be released until approved by the legislature))~~ for passenger-only projects. Projects may include vessel or terminal projects or costs associated with selling vessels.

(7) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

(8) \$37,117,000 of the Puget Sound capital construction account--state appropriation is for the initial procurement of four 144-vehicle auto-passenger ferry vessels using the process outlined in Substitute Senate Bill No. 6853 and is contingent upon the enactment of Substitute Senate Bill No. 6853.

Sec. 308. 2005 c 313 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$250,000
Multimodal Transportation Account--State Appropriation	(\$67,158,000)
	\$68,176,000
Multimodal Transportation Account--Private/Local Appropriation	\$8,287,000
Multimodal Transportation Account--Federal Appropriation	(\$11,966,000)
	\$17,268,000
TOTAL APPROPRIATION	(\$88,161,000)

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

(1) The multimodal transportation account--state appropriation includes up to \$33,435,000 in proceeds from the sale of bonds and up to \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ~~(\$67,158,000)~~ \$68,176,000 of the multimodal transportation account--state appropriation, ~~(\$11,966,000)~~ \$17,268,000 of the multimodal transportation account--federal appropriation, \$8,287,000 of the multimodal transportation account--local appropriation, and \$250,000 of the essential rail assistance account are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-2))~~ 2006-C, Rail Capital Program (Y) as developed ~~((April 23, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this subsection, \$6,500,000 of the multimodal transportation account--state appropriation is ~~((provided solely))~~ for the two commuter rail projects listed in the LEAP Transportation Document ~~((2005-6))~~ 2006-C, Rail Capital Program (Y) as developed ~~((April 24, 2005))~~ March 8, 2006.

(c) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line, in consultation with local governments and other stakeholders.

(d) The office of financial management shall negotiate the purchase of the operating rights of the P&L and PV Hooper lines. If the office of financial management is unable to negotiate the purchase of the operating rights of the P&L and PV Hooper lines, the office may stop all negotiations and acquire the operating rights through any other alternative means available. The office of financial management shall also negotiate new operational agreement(s) for the P&L and PV Hooper lines in consultation with local governments and other stakeholders.

(e) In order to maintain the operation of the Palouse River & Coulee City rail lines, the office of financial management is authorized to negotiate an agreement wherein they may forgive all or part of the existing freight rail assistance loan to the current operator of the Palouse River & Coulee City rail lines in exchange for good and valuable consideration.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

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(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering.

(8) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for a rail loop at the Port of Walla Walla.

Sec. 309. 2005 c 313 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation	
.....	\$1,602,000
Motor Vehicle Account--Federal Appropriation	(\$18,221,000)
.....	\$48,998,000
Motor Vehicle Account--State Appropriation	.. (\$6,702,000)
.....	\$8,340,000
<u>Transportation Partnership Account--State Appropriation</u>	
.....	\$2,008,000
Freight Mobility Investment Account--State	
Appropriation	.. (\$12,000,000)
.....	\$6,000,000
<u>Passenger Ferry Account--State Appropriation</u>	.... \$9,000,000
<u>Multimodal Transportation Account--State</u>	
Appropriation	.. (\$36,002,000)
.....	\$39,403,000
<u>Transportation 2003 Account (nickel account)--State</u>	
Appropriation	..... \$557,000
<u>Freight Mobility Multimodal Account--State</u>	
Appropriation	..... \$9,700,000
TOTAL APPROPRIATION	.. (\$74,734,000)
.....	\$125,815,000

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

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the ~~((transportation commission))~~ office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current~~

~~revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(4) ~~(\$3,545,000)~~ \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) ~~(\$274,000)~~ \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) ~~(\$867,000)~~ \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to support the safe routes to school program.

(8) ~~(\$18,221,000)~~ \$16,110,000 of the motor vehicle account--federal appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, ~~(\$5,180,000)~~ \$4,992,000; Colville Alternate Truck Route, ~~(\$2,000,000)~~ \$1,746,000; S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, ~~(\$1,791,000)~~ \$122,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) ~~(\$3,400,000)~~ \$2,898,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent Transportation Systems (ITS), ~~(\$2,520,000)~~ \$2,382,000; Port of Kennewick/Piert Road, ~~(\$520,000)~~ SR 397 Ainsworth Ave. Grade Crossing, ~~\$360,000)~~ \$516,000.

(10) \$6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.

(11) The department ~~((must))~~ shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference ~~((with))~~ shall be given to projects that provide a local match. ~~((The grant recipients may only be governmental entities.))~~

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(12) ~~(\$19,540,000)~~ \$18,370,000 of the multimodal transportation account--state appropriation, \$6,000,000 of the freight mobility multimodal account--state appropriation, \$2,008,000 of the transportation partnership account--state appropriation, and ~~(\$12,000,000)~~ \$6,000,000 of the freight mobility investment account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~(2005-6)~~ 2006-1, Local Programs (Z) as developed ~~(April 24, 2005)~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) \$5,000,000 of the multimodal transportation account--state appropriation and \$2,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15) \$9,700,000 of the motor vehicle account--federal appropriation is provided solely for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.

(16) \$19,500,000 of the motor vehicle account--federal appropriation is provided solely for rural county two-lane roadway pilot projects including \$7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or more where analysis of collision history indicates that the section has higher than average collision and severity factors.

(17) \$2,500,000 of the motor vehicle account--state appropriation is provided solely for the Yakima downtown futures initiative.

(18) \$810,000 of the multimodal transportation account--state appropriation is provided solely for the projects identified in this subsection: Des Moines creek trail, \$250,000; SR 282 to Port of Ephrata connector, \$385,000; Mount Baker Ridge viewpoint, \$175,000.

(19) Regional transportation planning organizations that receive federal surface transportation program funding shall develop and adhere to a strategy for selecting projects based on regional priorities such as growth management, congestion relief, safety, economic development, or other regional priorities which support state and federal policies. The legislature further intends that the federal funds be applied to the prioritized strategic regional transportation projects rather than by formulaic distribution methods. These funds shall not be used for administrative costs. Regional transportation planning

organizations shall report the results of their project selection processes to the department by November 15, 2006, specifically outlining their adopted strategy and how their selected projects support regional priorities. The department shall provide a full and transparent accounting of all federal surface transportation program funds received and expected to be received by the state under the new federal surface transportation act, and its proposed distribution, and as soon as possible make this information available to regional transportation planning organizations and the legislature. The department shall also report to the legislative transportation committees by December 31, 2006, as to how the regional project selection processes support regional priorities, and how these regionally selected projects support state and federal policies.

(20) \$688,000 of the motor vehicle account--federal appropriation is provided solely for completion of the Coal Creek Parkway project.

(21) \$9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2005 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	((\$354,913,000))
.....	\$334,313,000
Nondebt-Limit Reimbursable Account Appropriation	((\$8,775,000))
.....	\$6,091,000
Ferry Bond Retirement Account Appropriation	((\$39,010,000))
.....	\$38,241,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	((\$30,899,000))
.....	\$30,923,000
Motor Vehicle Account--State Appropriation	((\$2,562,000))
.....	\$682,000
Transportation Improvement Account--State Appropriation	((\$105,000))
.....	\$120,000
Multimodal Transportation Account--State Appropriation	((\$303,000))
.....	\$370,000
Transportation 2003 Account (Nickel Account) Appropriation	((\$19,177,000))
.....	\$6,600,000
Transportation Partnership Account--State Appropriation	\$1,125,000
TOTAL APPROPRIATION	((\$455,744,000))
	\$418,465,000

Sec. 402. 2005 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

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Motor Vehicle Account--State Appropriation	(\$283,000)
	<u>\$248,000</u>
Transportation Improvement Account--State Appropriation	
.....	\$13,000
Multimodal Transportation Account--State Appropriation	
.....	(\$96,000)
	<u>\$35,000</u>
Transportation 2003 Account (Nickel Account)--State	
Appropriation	(\$2,400,000)
	<u>\$2,200,000</u>
Transportation Partnership Account--State	
Appropriation	(\$2,800,000)
	<u>\$375,000</u>
TOTAL APPROPRIATION ..	(\$5,592,000)
	<u>\$2,871,000</u>

Sec. 403. 2005 c 313 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation: For transfer to the Tacoma Narrows toll bridge account

\$257,016,000
The department of transportation is authorized to sell up to \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound capital construction account

~~(\$72,000,000)~~ \$40,950,000
The department of transportation is authorized to sell up to ~~(\$72,000,000)~~ \$40,950,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2005 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties

~~(\$450,757,000)~~ \$487,612,000

Sec. 405. 2005 c 313 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers

~~(\$820,769,000)~~ \$1,037,342,000

Sec. 406. 2005 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Account--State ..

\$2,000,000
(2) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Capital Construction Account--State

(3) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State ~~(\$10,000,000)~~ \$5,000,000

(4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State

~~(\$19,087,000)~~ \$31,000,000
(5) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State

~~(\$51,372,000)~~ \$33,127,000
(6) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account--State

~~(\$21,170,000)~~ \$25,980,000
(7) Transportation Partnership Account--State Appropriation: For transfer to the Small City Pavement and Sidewalk Account--State

~~(\$2,000,000)~~ \$1,000,000
(8) Transportation Partnership Account--State Appropriation: For transfer to the Transportation Improvement Account--State

~~(\$5,000,000)~~ \$2,500,000
(9) Transportation Partnership Account--State Appropriation: For transfer to the ~~(Rural)~~ County Arterial ~~(Trust)~~ Preservation Account--State

~~(\$3,000,000)~~ \$1,500,000
(10) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State ..

~~(\$11)~~ \$2,500,000
~~Motor Vehicle Account--State Appropriation:~~
For transfer to the State Patrol Highway Account--State ..

~~(\$1,406,000)~~ \$1,406,000
~~(12) Motor Vehicle Account--State Appropriation:~~
For transfer to the Transportation 2003 Account ~~(Nickel Account)--State~~

~~(\$461,000)~~ -\$461,000
~~(13)) (11) Multimodal Transportation Account--State~~
Appropriation: For transfer to the Transportation Partnership Account--State

~~(\$29,400,000)~~ \$29,417,000
(12) Motor Vehicle Account--State Appropriation: For transfer to the Freight Mobility Multimodal Account--State, up to a maximum of

\$3,700,000
(13) Multimodal Transportation Account--State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account--State

\$1,300,000
(14) Multimodal Transportation Account--State Appropriation: For transfer to the Freight Mobility Multimodal Account--State

\$4,610,000
The transfers identified in this section are subject to the following conditions and limitations:
(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount ~~(identified in subsection (3) of this section may not include any revenues collected as passenger fares.)~~ transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.

(c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic

proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before (~~January 1~~) June 30, 2007.

MISCELLANEOUS

NEW SECTION. Sec. 701. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 702. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

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On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.29.170; amending 2005 c 313 ss 1, 102, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 501, and 603 (uncodified); adding new sections to 2005 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; repealing 2005 c 313 s 602 (uncodified); and declaring an emergency."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Report of the Conference Committee on Substitute Senate Bill No. 6241 be adopted.

Senators Haugen, Benson, Mulliken, Spanel and Finkbeiner spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Substitute Senate Bill No. 6241 be adopted.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6241, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6241, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

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SUBSTITUTE SENATE BILL NO. 6241, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

partisan manner and style. I am so happy to have you here today so that we can acknowledge and really embrace what you have meant to this body and to this state and all of us. Thank you."

REMARKS BY THE PRESIDENT

MESSAGE FROM THE HOUSE

March 8, 2006

President Owen: "The President' "you might notice that I have an old grocer friend of mine up here. We served together on the Food Dealers Board and sold groceries together. Actually, the gentleman that is sitting beside me started in the Washington State Legislature as an elevator operator in about, I think, the sixties, somewhere in there, oh, forty-nine, a little forty-nine; became assistant Chief Clerk; then became Secretary of the Senate; took a little time off; came back as a Senator; became Senate Minority Leader; Senate Majority Leader; the famous, infamous, however your perspective is on this, fine gentleman. Senator Sid Snyder."

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, and has passed the bill as recommended by the Conference Committee.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.68.035 and 2005 c 314 s 205 are each amended to read as follows:

PERSONAL PRIVILEGE

Senator Oke: "Thank you very much Mr. President. I knew I'd mess it up somewhere but, Sid Snyder, I'm sorry, my brains going different directions. Sid, I just love you as a person and you have been such a mentor for me and, you know, you're the only man in this chamber that I can remember that has changed my vote more than once when you got up. Sometimes you got a little loud and sometimes you got a little vitamins in you but sometimes you hit the core and changed me. You've made me a better man and God Bless you and thank you."

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085(~~the license fee under RCW 46.16.086, and the farm vehicle trip permit under RCW 46.16.162~~) shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

PERSONAL PRIVILEGE

Senator Deccio: "Senator Snyder, former Secretary of the Senate, told a lot of stories and a lot of quips and a lot of jokes but the one that I remember the best and I hope I don't offend anybody. He said, 'He's had every kind of surgery except a hysterectomy.'"

(2) The remainder ~~and the proceeds from the license fee under RCW 46.16.086 and the farm vehicle trip permit under RCW 46.16.162~~ shall be distributed as follows:

(a) ~~((24.00))~~ 22.36 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Gosh, there's all sorts of things that I'd like to say. I think many of us had felt very bad that when Senator Snyder retired that there was no big celebration for him here in Olympia. It's because he's so modest. He didn't want to have that happen. We could have a resolution honoring Senator Snyder that would be many pages long with all of the memories that each one of us has, and will always have, this wonderful Senator and wonderful human being who, I believed, every single one of us. I'm not going to go into all the different stories about Senator Snyder. I know he's modest and doesn't like to call attention to himself, but I will always think in a very joyful way when I think of Senator Snyder and his wonderful wife Betty, who has been his partner for so many years. I'm just hoping that both Senator Snyder and Betty will continue to send us the wonderful poems and Christmas cards that Betty has provided to us and enriched our lives in so many ways and been a reminder of all the enjoyable times and the wonderful sense of humor that Senator Snyder brought to this body and this chamber and always in such a gracious way and such a bi-

(b) ~~((1.8))~~ 1.375 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) ~~((6.38))~~ 5.237 percent shall be deposited into the transportation 2003 account (nickel account); ~~(and)~~

~~(d) ((On July 1, 2006, six million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300 and beginning on July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300;))~~ 11.533 percent shall be deposited into the transportation partnership account created in RCW 46.68.290; and

(e) The remaining proceeds shall be deposited into the motor vehicle fund.

Sec. 2. RCW 46.16.086 and 2005 c 314 s 203 are each amended to read as follows:

In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if the trailer is operated upon public highways. The license fee must be collected annually for each registration year or fraction of a registration year. This reduced license fee applies only to trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor. The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035(2).

Sec. 3. RCW 46.16.162 and 2005 c 314 s 206 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a

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combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for the period remaining in the first month of monthly license, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

Sec. 4. RCW 46.68.135 and 2005 c 314 s 111 are each amended to read as follows:

~~((Beginning))~~ By July 1, ~~((2007))~~ 2006, and each year thereafter, the state treasurer shall transfer ~~((five))~~ two and one-half million dollars from the multimodal account to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

Sec. 5. RCW 46.68.290 and 2005 c 314 s 104 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

~~(2) ((If a regional transportation plan has not been adopted by January 2007, the legislature intends to reprioritize allocation of funding for the projects identified on the 2005 transportation partnership project list so that complete and functioning transportation projects can be constructed in a reasonable time.~~

~~(3) By January 1, 2006, the transportation performance audit board must develop performance measures and benchmarks for the evaluation of the expenditures of the transportation partnership account. The board must also develop an audit plan and schedule for audits of the performance of the department of transportation's delivery of the plan as defined by project list, schedule, and budget enacted by the legislature.~~

~~((4))~~ The legislature finds that:

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(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

~~((5))~~ (3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

~~((6))~~ (4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

~~((7))~~ (5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

~~((8))~~ (6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

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- (i) Identification and recognition of best practices;
- (j) Evaluation of planning, budgeting, and program evaluation policies and practices;
- (k) Evaluation of personnel systems operation and management;
- (l) Evaluation of purchasing operations and management policies and practices;
- (m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and
- (n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

~~((9))~~ (7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

~~((10))~~ (8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, ~~((the transportation performance audit board,))~~ the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

~~((11))~~ (9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

~~((12))~~ (10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections ~~((1))~~ (2) through ~~((11))~~ (9) of this section.

~~((13))~~ When appointing the citizen members with performance measurement expertise to the transportation performance audit board, the governor shall appoint the state auditor, or his or her designee.

~~((14))~~ If the state auditor's financial audit of a transportation-related agency implies that a performance audit is warranted, the transportation performance audit board shall include in its annual work plan the performance audit recommended by the state auditor.)

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

(1) On July 1, 2006, and by each July 1st thereafter, the state treasurer shall transfer from the transportation partnership account created in RCW 46.68.290:

- (a) One million dollars to the small city pavement and sidewalk account created in RCW 47.26.340;
- (b) Two and one-half million dollars to the transportation improvement account created in RCW 47.26.084; and
- (c) One and one-half million dollars to the county arterial preservation account created in RCW 46.68.090(2)(i).

(2) On July 1, 2006, the state treasurer shall transfer six million dollars from the transportation partnership account created in RCW 46.68.290 into the freight mobility investment account created in RCW 46.68.300 and by July 1, 2007, and by every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account.

NEW SECTION. Sec. 7. A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects identified in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

NEW SECTION. Sec. 8. A new section is added to chapter 46.68 RCW to read as follows:

(1) The regional mobility grant program account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.

(2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account five million dollars.

(3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account six million two hundred fifty thousand dollars.

Sec. 9. RCW 46.17.010 and 2005 c 314 s 201 are each amended to read as follows:

(1) There shall be paid and collected annually for motor vehicles subject to the fee under RCW 46.16.0621, except motor homes, a vehicle weight fee. The amount of the fee shall be based upon the vehicle scale weight, which is correlated with vehicle size and roadway lane usage. Fees imposed under this section must be used for transportation purposes, and shall not be used for the general support of state government. The vehicle weight fee shall be that portion of the fee as reflected on the scale weight set forth in schedule B provided in RCW 46.16.070 that is in excess of the fee imposed under RCW 46.16.0621. This fee is due at the time of initial and renewal of vehicle registration.

(2) If the resultant weight according to this section is not listed in schedule B provided in RCW 46.16.070, it shall be increased to the next higher weight pursuant to chapter 46.44 RCW.

(3) For the purpose of administering this section, the department shall rely on the vehicle empty scale weights as provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each vehicle. The department shall adopt rules for determining weight for vehicles without manufacturer empty scale weights.

(4) The vehicle weight fee under this section is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

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(5) The vehicle weight fee collected under this section shall be deposited as follows:

(a) On July 1, 2006, six million dollars shall be deposited into the freight mobility (~~(investment)~~) multimodal account created in (~~RCW 46.68.300~~) section 7 of this act, and the remainder collected from (~~January 1, 2006~~) the effective date of this section, through June 30, 2006, shall be deposited into the multimodal transportation account;

(b) Beginning July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility (~~(investment)~~) multimodal account created in (~~RCW 46.68.300~~) section 7 of this act, and the remainder shall be deposited into the multimodal transportation account.

Sec. 10. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest

revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry

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operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the

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freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget

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Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 12. RCW 46.68.080 and 1961 c 12 s 46.68.080 are each amended to read as follows:

~~((A))~~ (1) Motor vehicle license fees ~~((and all motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such ~~((motor))~~ vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(2) One-half of ~~((a))~~ the motor vehicle license fees ~~((and motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and one-half of the fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(3) All funds paid to the county treasurer of the counties of either class ~~((above))~~ referred to ~~((as in this section provided))~~ in subsections (1) and (2) of this section, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

(4) The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

(5)(a) An amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (1) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070.

(b) An additional amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes

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collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (2) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070, and this shall be multiplied by one-half.

NEW SECTION. **Sec. 13.** Section 10 of this act expires July 1, 2006.

NEW SECTION. **Sec. 14.** Section 11 of this act takes effect July 1, 2006.

NEW SECTION. **Sec. 15.** Section 1 of this act applies to license fees due on or after July 1, 2006.

NEW SECTION. **Sec. 16.** Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 24, 2006."

On page 1, line 2 of the title, after "distributions;" strike the remainder of the title and insert "amending RCW 46.68.035, 46.16.086, 46.16.162, 46.68.135, 46.68.290, 46.17.010, and 46.68.080; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 46.68 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6839 be adopted.

Senators Haugen and Benson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6839 be adopted.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6839, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6839, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Esser and Morton - 2

Absent: Senators Deccio and Johnson - 2

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

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Senator Haugen: "I want to just take the opportunity to say thank you to a tremendous transportation staff. There here in the wings, I encourage you to go out and see them, they don't want to come out and see us. We did have a lot of very difficult issues before our committee this year. Like I said the budget was probably the easiest thing we did. We had many major policies issues and I can tell you that every piece of legislation that went out of this body which was written by our staff was extraordinary and I tell you they did an extraordinary amount of work. I think one of the things we often forget, we all go home at night and they keep on working and my staff kept on working night after night after night. I want to say thank you to them and I really do appreciate the fact that I am served by the best transportation staff that I have ever been served by and that's saying a lot because I've served with a lot of people, so thank you to my staff."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Thank you Senator Haugen for that great segue. I basically want to stand up and say, you know, every year we get wrapped up with bringing the staff in that does the budgets, but there are other staff in this place as well. This was a short session, it was jam packed. It was hectic. It was fast. It was trying. By my count, the House introduced one-thousand, two-hundred sixty one bills this year. The Senate introduced nine-hundred three, in a short session and remember we're the ones that come up with the ideas or maybe somebody else comes up with the ideas, but the staff has to draft them. They have to work the long hours. They have to do the things behind the scene, so I want to say a special thank you to all the committee staff, to the caucus staff and all the people that make us look good. I mean we stand out here in front of the camera, like we're doing right now, talking about all the good things that we do, but it really is all the staff behind the scenes that make it happen, so wherever you are on this campus, all of the staff, regardless of which side you're on, thank you to all of you. You do a great job and we appreciate you."

PERSONAL PRIVILEGE

Senator Franklin: "Oh, about four years ago, I attended a meeting with Counsel of State Government in Honolulu. At that time, the workshops had a tremendous speaker and his name was Kent M. Keith. Didn't know that. He addressed the group that was there and I found out there was a poem that he has written when he was a student. It's entitled, 'Anyway'. When he gave the history that it was on Sister Teresa, Mother Teresa, kept it on her wall all for many, many years. You know Mother Teresa? Worked with children in India. With your permission and the body, could I read this poem? It's on our wall in the caucus and I think about it very, very often. It's a great poem. With what has happened with our Senators and leaders and staff who have worked hard and very diligently this session, it fits you well.

With your permission, Mr. President, 'People are illogical, unreasonable and self centered. Love them anyway. If you do good people will accuse you of selfish, ulterior motives. Do good anyway. If you are successful, you will win false friends and true enemies. Succeed anyway. The good you do today will be forgotten tomorrow. Do good anyway. Honesty and frankness make you vulnerable. Be honest and frank anyway. The biggest men and women with the biggest ideas can be shot

down by the smallest men and women with the smallest minds. Think big anyway. People favor underdogs but follow only top dogs. Fight for a few underdogs anyway. What you spend years building maybe destroyed overnight. Build anyway. People really need help but may attack you if you do help them. Help people anyway. Give the world the best you have and you'll get kicked in the teeth. Give the world the best you have anyway.' And this is from Anyway the Paradoxical Commandments that was written by a student many, many years ago. That was on Mother Teresa wall by the name of Kent M. Keith and that is ladies and gentleman, my friends, you've done it anyway."

PERSONAL PRIVILEGE

Senator Kline: "I see that we're in a poetry reading mode and I wonder if I may do the same. I've had this book here for awhile but we've been in kind of production mode so I've not asked for this moment of personal privilege before. But with your permission Mr. President, I would like to read a poem."

REPLY BY THE PRESIDENT

President Owen: "Well, I want to see it first Senator Kline."

PERSONAL PRIVILEGE

Senator Kline: "It's a love poem. It's by Billy Collins. 'You are the bread and the knife, the crystal goblet and the wine. You are the dew on the morning grass and the burning wheel of the sun. You are the white apron of the baker and marsh birds suddenly in flight. However, you are not the wind in the orchard, the plums on the counter or the house of cards and you are certainly not the pine-scented air. There is no way you are the pine scented air. It is possible that you are the fish under the bridge, maybe even the pigeon on the general's head but your not even close to being the field of corn flowers at dusk. And a quick look in the mirror will show that you are neither the boots in the corner nor the boat asleep in the boat house. It might interest you to know, speaking of the plentiful imagery of the world, that I am the sound of the rain on the roof. I also happen to be the shooting star, the evening paper blowing down an alley and the basket of chestnuts on the kitchen table. I'm also the moon and the trees and the blind woman's tea cup. But don't worry, I'm not the bread and the knife. You are still the bread and the knife. You will always be the bread and the knife, not to mention the crystal goblet and somehow the wine.' Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Well, Senator Eide, while you have a lull here, the President would like to also join the chorus but in serious song in praise of the rostrum staff that we have up here working also helping to make us all look good. They do yoeman's and yoewoman's job. They sit here much longer than other people who don't, who might be able to get a little break and work for you all so I would like to say thank you to all the rostrum staff up here, the staff of the Secretary of the Senate and all of them as well. The President doesn't wish to take one and set them aside from other but I want to tell you about an unselfish act by one of our great staff that we have here. He's been serving with for a long time. What would you do if you found that's there was a young man or woman who came and

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didn't have the appropriate clothes to page? Well, Brad Hendrickson would go out and buy the young man who is a little bit large a jacket because they didn't have the right size jacket, would buy him pants because he didn't have the right pants. I want to say, 'Brad thank you very much, you're incredibly generous person.'"

MOTION

On motion of Senator Jacobsen, the remarks by President Owen were spread upon the journal.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9280, Sam Smith, as a member of the Higher Education Coordinating Board, be confirmed.

Senators Rasmussen, Schoesler and Shin spoke in favor of passage of the motion.

MOTION

On motion of Senator Schoesler, Senators Benson, Carrell, Delvin, Brandland, Stevens, Esser, Deccio and Mulliken were excused.

APPOINTMENT OF SAM SMITH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9280, Sam Smith as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9280, Sam Smith as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Mulliken - 3

Gubernatorial Appointment No. 9280, Sam Smith, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

On motion of Senator Rasmussen, Senator Fairley was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9430, Doug McDonald, as a Secretary of the Department of Transportation, be confirmed.

Senators Haugen, Benson, Mulliken, Oke, Hewitt and Parlette spoke in favor of the motion.

APPOINTMENT OF DOUG MCDONALD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9430, Doug McDonald as a Secretary of the Department of Transportation.

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9430, Doug McDonald as a Secretary of the Department of Transportation and the appointment was confirmed by the following vote: Yeas, 39; Nays, 4; Absent, 4; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 39

Voting nay: Senators Benton, Honeyford, Schoesler and Stevens - 4

Absent: Senators Finkbeiner, Hargrove and Zarelli - 3

Excused: Senators Deccio, Fairley and McCaslin - 3

Gubernatorial Appointment No. 9430, Doug McDonald, having received the constitutional majority was declared confirmed as a Secretary of the Department of Transportation.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Doug McDonald, Secretary of Transportation who was seated in the gallery.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6566 was returned to second reading for purpose of an amendment: 6566-S.E AMS MURR H5570.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.524 and 1991 c 202 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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(1) "A major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees ((of one or more employers)), who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) ("~~Commute trip reduction zones~~" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.

~~(4))~~ "Major employment installation" means a military base or federal reservation, excluding tribal reservations, at which there are one hundred or more full-time employees, who begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months during the year.

(4) "Person hours of delay" means the daily person hours of delay per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated using the best available methodology by the department of transportation.

(5) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

~~((5))~~ (6) "Proportion of single-occupant vehicle commute trips" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

~~((6))~~ (7) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

~~((7))~~ (8) "Base year" means the ~~((year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single-occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled))~~ twelve-month period commencing when a major employer is determined to be participating by the local jurisdiction, on which commute trip reduction goals shall be based.

(9) "Growth and transportation efficiency center" means a defined, compact, mixed-use urban area that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a growth and transportation efficiency center must meet minimum criteria established by the commute trip reduction board under RCW 70.94.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

(10)(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas will be listed by the department of transportation in the rules for this act using the criteria identified in (a) of this subsection.

(11) "Certification" means a determination by a regional transportation planning organization that a locally designated growth and transportation efficiency center program meets the minimum criteria developed in a collaborative regional process and the rules established by the department of transportation.

Sec. 2. RCW 70.94.527 and 1997 c 250 s 2 are each amended to read as follows:

(1) Each county ~~((with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites))~~ containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas, shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions located within an urban growth area with a population greater than seventy thousand that adopted a commute trip reduction ordinance before the year 2000, as well as any jurisdiction within contiguous urban growth areas, shall also adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions containing a major employment installation in a county with an affected growth area, designated pursuant to RCW 36.70A.110, shall adopt a commute trip reduction plan and ordinance for major employers in the major employment installation by a date specified by the commute trip reduction board. The ordinance shall establish the requirements for major employers and provide an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of the ordinance, may obtain waiver or modification of those requirements. The plan shall be designed to achieve reductions in the proportion of single-occupant vehicle commute trips and ~~((the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction))~~ be consistent with the rules established by the department of transportation. The county, city, or town shall submit its adopted plan to the regional transportation planning organization. The county, city, or town plan shall be included in the regional commute trip reduction plan for regional transportation planning purposes, consistent with the rules established by the department of transportation in RCW 70.94.537.

(2) All other counties, ~~((and))~~ cities, and towns ~~((in those counties;))~~ may adopt and implement a commute trip reduction plan consistent with department of transportation rules established under RCW 70.94.537. Tribal governments are encouraged to adopt a commute trip reduction plan for their lands. State investment in voluntary commute trip reduction plans shall be limited to those areas that meet criteria developed by the commute trip reduction board.

(3) The department of ecology may, after consultation with the department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

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(4) A commute trip reduction plan shall be consistent with the ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips ((and the commute trip vehicle miles traveled per employee)) consistent with the state goals established by the commute trip reduction board under RCW 70.94.537 and the regional commute trip reduction plan goals established in the regional commute trip reduction plan; (b) ((designation of commute trip reduction zones; (c))) a description of the requirements for major public and private sector employers to implement commute trip reduction programs; ((d)) (c) a commute trip reduction program for employees of the county, city, or town; ((e) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and (g)) and (d) means, consistent with rules established by the department of transportation, for determining base year values ((of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee)) and progress toward meeting commute trip reduction plan goals ((on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and a thirty-five percent reduction from the base year values by January 1, 2005.

~~((5))~~ (5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full-time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs). The plan shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.

~~((6))~~ (5) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, ~~((or))~~ and towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, transportation management associations or other private or nonprofit providers of transportation services, or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns as a part of their six-year transit development plan established in RCW 35.58.2795 to take into

account the location of major employer worksites when planning and prioritizing transit service changes or the expansion of public transportation services, including rideshare services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070. Regional transportation planning organizations shall review the local commute trip reduction plans during the development and update of the regional commute trip reduction plan.

(6) Each affected regional transportation planning organization shall adopt a commute trip reduction plan for its region consistent with the rules and deadline established by the department of transportation under RCW 70.94.537. The plan shall include, but is not limited to: (a) Regional program goals for commute trip reduction in urban growth areas and all designated growth and transportation efficiency centers; (b) a description of strategies for achieving the goals; (c) a sustainable financial plan describing projected revenues and expenditures to meet the goals; (d) a description of the way in which progress toward meeting the goals will be measured; and (e) minimum criteria for growth and transportation efficiency centers. (i) Regional transportation planning organizations shall review proposals from local jurisdictions to designate growth and transportation efficiency centers and shall determine whether the proposed growth and transportation efficiency center is consistent with the criteria defined in the regional commute trip reduction plan. (ii) Growth and transportation efficiency centers certified as consistent with the minimum requirements by the regional transportation planning organization shall be identified in subsequent updates of the regional commute trip reduction plan. These plans shall be developed in collaboration with all affected local jurisdictions, transit agencies, and other interested parties within the region. The plan will be reviewed and approved by commute trip reduction board as established under RCW 70.94.537. Regions without an approved regional commute trip reduction plan shall not be eligible for state commute trip reduction program funds.

The regional commute trip reduction plan shall be consistent with and incorporated into transportation demand management components in the regional transportation plan as required by RCW 47.80.030.

(7) Each ~~((county, city, or town))~~ regional transportation planning organization implementing a regional commute trip reduction program shall, ~~((within thirty days submit a summary of its plan along with certification of adoption))~~ consistent with the rules and deadline established by the department of transportation, submit its plan as well as any related local commute trip reduction plans and certified growth and transportation efficiency center programs, to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The commute trip reduction board shall review the regional commute trip reduction plan and the local commute trip reduction plans. The regional transportation planning organization shall collaborate with the commute trip reduction board to evaluate the consistency of local commute trip reduction plans with the regional commute trip reduction plan. Local and regional plans must be approved by the commute trip reduction board in order to be eligible for state funding provided for the purposes of this chapter.

(8) Each ~~((county, city, or town))~~ regional transportation planning organization implementing a regional commute trip reduction program shall submit an annual progress report to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The report shall be due ~~((July 1, 1994, and each July 1st thereafter through July 1, 2006))~~ at the end of each state fiscal year for which the program has been implemented. The report shall describe progress in attaining the applicable commute trip reduction goals ~~((for each commute trip reduction zone))~~ and shall highlight any problems being encountered in

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achieving the goals. The information shall be reported in a form established by the commute trip reduction ~~((task force))~~ board.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The commute trip reduction ~~((task force))~~ board may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

~~((10))~~ ~~((Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.~~

~~((11))~~ ~~Each county, city, or town implementing a commute trip reduction program shall ensure that employers that have modified their employees' work schedules so that some or all employees are not scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating single-occupancy vehicle use and vehicle miles traveled at that worksite. This credit shall be awarded if implementation of the schedule change was an identified element in that worksite's approved commute trip reduction program or if the schedule change occurred because of impacts associated with chapter 36.70A RCW, the growth management act.~~

~~((12))~~ Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

~~((13))~~ ~~((11))~~ Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

~~((12))~~ If an affected urban growth area has not previously implemented a commute trip reduction program and the state has funded solutions to state highway deficiencies to address the area's exceeding the person hours of delay threshold, the affected urban growth area shall be exempt from the duties of this section for a period not exceeding two years.

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

Nothing in this act preempts the ability of state employees to collectively bargain over commute trip reduction issues, including parking fees under chapter 41.80 RCW, or the ability of private sector employees to collectively bargain over commute trip reduction issues if previously such issues were mandatory subjects of collective bargaining.

NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW to read as follows:

(1) A county, city, or town may, as part of its commute trip reduction plan, designate existing activity centers listed in its comprehensive plan or new activity centers as growth and transportation efficiency centers and establish a transportation demand management program in the designated area.

(a) The transportation demand management program for the growth and transportation efficiency center shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.

(b) In order to be eligible for state funding provided for the purposes of this section, designated growth and transportation efficiency centers shall be certified by the applicable regional transportation organization to: (i) Meet the minimum land use and transportation criteria established in collaboration among local jurisdictions, transit agencies, the regional transportation planning organization, and other interested parties as part of the regional commute trip reduction plan; and (ii) have established a transportation demand management program that includes the elements identified in (c) of this subsection and is consistent with the rules established by the department of transportation in RCW 70.94.537(2). If a designated growth and transportation efficiency center is denied certification, the local jurisdiction may appeal the decision to the commute trip reduction board.

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(c) Transportation demand management programs for growth and transportation efficiency centers shall include, but are not limited to: (i) Goals for reductions in the proportion of single-occupant vehicle trips that are more aggressive than the state program goal established by the commute trip reduction board; (ii) a sustainable financial plan demonstrating how the program can be implemented to meet state and regional trip reduction goals, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques consistent with chapter 47.29 RCW, including public/private partnerships, to finance needed facilities, services, and programs; (iii) a proposed organizational structure for implementing the program; (iv) a proposal to measure performance toward the goal and implementation progress; and (v) an evaluation to which local land use and transportation policies apply, including parking policies and ordinances, to determine the extent that they complement and support the trip reduction investments of major employers. Each of these program elements shall be consistent with the rules established under RCW 70.94.537.

(d) A designated growth and transportation efficiency center shall be consistent with the land use and transportation elements of the local comprehensive plan.

(e) Transit agencies, local governments, and regional transportation planning organizations shall identify certified growth and transportation efficiency centers as priority areas for new service and facility investments in their respective investment plans.

(2) A county, city, or town that has established a growth and transportation efficiency center program shall support vehicle trip reduction activities in the designated area. The implementing jurisdiction shall adopt policies, ordinances, and funding strategies that will lead to attainment of program goals in those areas.

Sec. 5. RCW 70.94.531 and 1997 c 250 s 3 are each amended to read as follows:

(1) State agency worksites are subject to the same requirements under this section and RCW 70.94.534 as private employers.

~~((2))~~ Not more than ~~((six months))~~ ninety days after the adoption of ~~((the))~~ a jurisdiction's commute trip reduction plan ~~((by a jurisdiction))~~, each major employer in that jurisdiction shall perform a baseline measurement consistent with the rules established by the department of transportation under RCW 70.94.537. Not more than ninety days after receiving the results of the baseline measurement, each major employer shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than ~~((six months))~~ ninety days after ~~((submission to))~~ approval by the jurisdiction.

~~((2))~~ (3) A commute trip reduction program of a major employer shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) ~~((an annual))~~ a regular review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan and the rules established by the department of transportation under RCW 70.94.537; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single-occupant vehicles;

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(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and

(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

~~((3))~~ (4) Employers or owners of worksites may form or utilize existing transportation management associations or other transportation-related associations authorized by RCW 35.87A.010 to assist members in developing and implementing commute trip reduction programs.

~~((4))~~ (5) Employers shall make a good faith effort towards achievement of the goals identified in RCW 70.94.527(4)~~((6))~~ (d).

Sec. 6. RCW 70.94.534 and 1997 c 250 s 4 are each amended to read as follows:

(1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall complete review of each employer's initial commute trip reduction program within ~~((three months))~~ ninety days of receipt.

(2) Employers implementing commute trip reduction programs are expected to undertake good faith efforts to achieve the goals outlined in RCW 70.94.527(4). Employers are considered to be making a good faith effort if the following conditions have been met:

(a) The employer has met the minimum requirements identified in RCW 70.94.531; ~~((and))~~

(b) The employer has notified the jurisdiction of its intent to substantially change or modify its program and has either received the approval of the jurisdiction to do so or has acknowledged that its program may not be approved without additional modifications;

(c) The employer has provided adequate information and documentation of implementation when requested by the jurisdiction; and

(d) The employer is working collaboratively with its jurisdiction to continue its existing program or is developing and implementing program modifications likely to result in improvements to the program over an agreed upon length of time.

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(3) Each jurisdiction shall ~~((annually))~~ review at least once every two years each employer's progress and good faith efforts toward meeting the applicable commute trip reduction goals. If an employer makes a good faith effort, as defined in this section, but is not likely to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to make modifications to the commute trip reduction program. Failure of an employer to reach the applicable commute trip reduction goals is not a violation of this chapter.

(4) If an employer fails to make a good faith effort and fails to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to propose modifications to the program and shall direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(5) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (4) of this section. No major employer may be held liable for civil penalties for failure to reach the applicable commute trip reduction goals. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

(6) Jurisdictions shall notify major employers of the procedures for applying for goal modification or exemption from the commute trip reduction requirements based on the guidelines established by the commute trip reduction ~~((task force))~~ board authorized under RCW 70.94.537.

Sec. 7. RCW 70.94.537 and 1997 c 250 s 5 are each amended to read as follows:

(1) A ~~((twenty-eight))~~ sixteen member state commute trip reduction ~~((task force))~~ board is established as follows:

(a) The secretary of the department of transportation or the secretary's designee who shall serve as chair;

~~((The director of the department of ecology or the director's designee;~~

~~((The director of the department of community, trade, and economic development or the director's designee;~~

~~((The director of the department of general administration or the director's designee;~~

~~((Three representatives from))~~ One representative from the office of the governor or the governor's designee;

(c) The director or the director's designee of one of the following agencies, to be determined by the governor:

(i) Department of general administration;

(ii) Department of ecology;

(iii) Department of community, trade, and economic development;

(d) Three representatives from cities and towns or counties appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the association of Washington cities or the Washington state association of counties;

~~((Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;~~

~~((Three))~~ (e) Two representatives from transit agencies appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the Washington state transit association;

~~((Twelve))~~ (f) Two representatives from participating regional transportation planning organizations appointed by the governor for staggered four-year terms;

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~~(g) Four representatives of employers at or owners of major worksites in Washington, or transportation management associations, business improvement areas, or other transportation organizations representing employers, appointed by the governor (from a list recommended by the association of Washington business or other statewide business associations representing major employers, provided that every affected county shall have at least one representative; and~~
~~(i) Three)) for staggered four-year terms; and~~
~~(h) Two citizens appointed by the governor for staggered four-year terms.~~

Members of the commute trip reduction ~~((task force))~~ board shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The ~~((task force))~~ board has all powers necessary to carry out its duties as prescribed by this chapter. ~~((The task force shall be dissolved on July 1, 2006.))~~

(2) By March 1, ~~((1992))~~ 2007, the ~~((commute trip reduction task force))~~ department of transportation shall establish ~~((guidelines))~~ rules for commute trip reduction plans and implementation procedures. The commute trip reduction board shall advise the department on the content of the rules. The ~~((guidelines))~~ rules are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the ~~((task force))~~ board determines to be relevant. The ~~((guidelines))~~ rules shall include:

(a) ~~Guidance criteria for ((establishing commute trip reduction zones))~~ growth and transportation efficiency centers;

(b) ~~(Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee))~~ Data measurement methods and procedures for determining the efficacy of commute trip reduction activities and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

(f) ~~(Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;~~

~~(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business;~~

~~(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone; and~~

~~(i) Methods to insure that employers receive credit for scheduling changes enacted pursuant to the criteria identified in RCW 70.94.527(11).~~

~~(3))~~ Establishment of a process for determining the state's affected areas, including criteria and procedures for regional transportation planning organizations in consultation with local jurisdictions to propose to add or exempt urban growth areas;

(g) Listing of the affected areas of the program to be done every four years as identified in subsection (5) of this section;

(h) Establishment of a criteria and application process to determine whether jurisdictions that voluntarily implement commute trip reduction are eligible for state funding;

(i) Guidelines and deadlines for creating and updating local commute trip reduction plans, including guidance to ensure consistency between the local commute trip reduction plan and the transportation demand management strategies identified in the transportation element in the local comprehensive plan, as required by RCW 36.70A.070.

(j) Guidelines for creating and updating regional commute trip reduction plans, including guidance to ensure the regional commute trip reduction plan is consistent with and incorporated into transportation demand management components in the regional transportation plan;

(k) Methods for regional transportation planning organizations to evaluate and certify that designated growth and transportation efficiency center programs meet the minimum requirements and are eligible for funding;

(l) Guidelines for creating and updating growth and transportation efficiency center programs; and

(m) Establishment of statewide program goals. The goals shall be designed to achieve substantial reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee, at a level that is projected to improve the mobility of people and goods by increasing the efficiency of the state highway system.

(3) The board shall create a state commute trip reduction plan that shall be updated every four years as discussed in subsection (5) of this section. The state commute trip reduction plan shall include, but is not limited to: (a) Statewide commute trip reduction program goals that are designed to substantially improve the mobility of people and goods; (b) identification of strategies at the state and regional levels to achieve the goals and recommendations for how transportation demand management strategies can be targeted most effectively to support commute trip reduction program goals; (c) performance measures for assessing the cost-effectiveness of commute trip reduction strategies and the benefits for the state transportation system; and (d) a sustainable financial plan. The board shall review and approve regional commute trip reduction plans, and work collaboratively with regional transportation planning organizations in the establishment of the state commute trip reduction plan.

(4) The ((task force)) board shall work with affected jurisdictions, major employers, and other parties to develop and implement a public awareness campaign designed to increase the effectiveness of local commute trip reduction programs and support achievement of the objectives identified in this chapter.

~~((4) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals.))~~

(5) The board shall evaluate and update the commute trip reduction program plan and recommend changes to the rules every four years, with the first assessment report due July 1, 2011, to ensure that the latest data methodology used by the department of transportation is incorporated into the program and to determine which areas of the state should be affected by the program. The board shall review the definition of a major employer no later than December 1, 2009. The board shall regularly identify urban growth areas that are projected to be affected by this act in the next four-year period and may provide advance planning support to the potentially affected jurisdictions.

(6) The ((task force)) board shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature and the governor by December 1, ((1995, December 1, 1999, December 1, 2001, December 1, 2003, and December 1, 2005)) 2009, and every two years thereafter. In assessing the costs and

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benefits, the ~~((task force))~~ board shall consider the costs of not having implemented commute trip reduction plans and programs with the assistance of the transportation performance audit board authorized under chapter 44.75 RCW. The ~~((task force))~~ board shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. ~~((The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.))~~

(7) The board shall invite personnel with appropriate expertise from state, regional, and local government, private, public, and nonprofit providers of transportation services, and employers or owners of major worksites in Washington to act as a technical advisory group. The technical advisory group shall advise the board on the implementation of local and regional commute trip reduction plans and programs, program evaluation, program funding allocations, and state rules and guidelines.

Sec. 8. RCW 70.94.541 and 1996 c 186 s 515 are each amended to read as follows:

(1) ~~((A technical assistance team shall be established under the direction of the department of transportation and include representatives of the department of ecology.))~~ The ~~((team))~~ department of transportation shall provide staff support to the commute trip reduction ~~((task force))~~ board in carrying out the requirements of RCW 70.94.537 ~~((and to the department of general administration in carrying out the requirements of RCW 70.94.551)).~~

(2) The ~~((team))~~ department of transportation shall provide technical assistance to regional transportation planning organizations, counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in ~~((determining base and subsequent year values of single-occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals))~~ single measurement methodology and practice to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training, and informational materials shall be developed in cooperation with representatives of regional transportation planning organizations, local governments, transit agencies, and employers.

(3) In carrying out this section the department of transportation may contract with statewide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

Sec. 9. RCW 70.94.544 and 2001 c 74 s 1 are each amended to read as follows:

A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction ~~((task force))~~ board in carrying out the responsibilities of RCW ~~((70.94.541))~~ 70.94.537, and the ~~((interagency technical assistance team))~~ department of transportation, including the activities authorized under RCW 70.94.541(2), and to assist regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. The commute trip reduction board shall determine the allocation of program funds made available for the purposes of this chapter to regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. If state

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funds for the purposes of this chapter are provided to those jurisdictions implementing voluntary commute trip reduction plans, the funds shall be disbursed based on criteria established by the commute trip reduction board under RCW 70.94.537.

Sec. 10. RCW 70.94.547 and 1991 c 202 s 18 are each amended to read as follows:

The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies, including institutions of higher education, shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.

Sec. 11. RCW 70.94.551 and 1997 c 250 s 6 are each amended to read as follows:

(1) The director of ~~((general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1, 1993))~~ the department of general administration may coordinate an interagency board for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs required by RCW 70.94.527 and 70.94.531. The ~~((task force))~~ board shall include representatives of the departments of transportation ~~((and)),~~ ecology, and community, trade, and economic development and such other departments and interested groups as the director of the department of general administration determines to be necessary ~~((to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of RCW 70.94.527 and 70.94.531 and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend)).~~ Policies and guidelines shall be applicable to all state agencies including but not limited to policies and guidelines regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools and guaranteed rides home. The ~~((plan))~~ policies and guidelines shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. ~~((The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537.))~~

(2) ~~((Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and RCW 70.94.531. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in RCW 70.94.531(2)(c) shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.))~~

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~~—(3)) State agencies sharing a common location ((may)) in affected urban growth areas where the total number of state employees is one hundred or more shall, with assistance from the department of general administration, develop and implement a joint commute trip reduction program ((or may delegate the development and implementation of the commute trip reduction program to the department of general administration)). The worksite shall be treated as specified in RCW 70.94.531 and 70.94.534.~~

~~((4)) (3) The department of general administration ((in consultation with the state technical assistance team)) shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the ((team)) department of general administration will work with the agency to modify the program as necessary.~~

~~((5) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.~~

~~—(6)) (4) Each state agency implementing a commute trip reduction plan shall report at least once per year to its agency director on the performance of the agency's commute trip reduction program as part of the agency's quality management, accountability, and performance system as defined by RCW 43.17.385. The reports shall assess the performance of the program, progress toward state goals established under RCW 70.94.537, and recommendations for improving the program.~~

~~(5) The department of general administration shall review the agency performance reports defined in subsection (4) of this section and submit ((an annual progress)) a biennial report for state agencies subject to ((the state agency commute trip reduction plan to the commute trip reduction task force established under RCW 70.94.537. The report shall be due April 1, 1993, and each April 1st through 2006. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals)) this chapter to the governor and incorporate the report in the commute trip reduction board report to the legislature as directed in RCW 70.94.537(6). The report shall include, but is not limited to, an evaluation of the most recent measurement results, progress toward state goals established under RCW 70.94.537, and recommendations for improving the performance of state agency commute trip reduction programs. The information shall be reported in a form established by the commute trip reduction ((task force)) board."~~

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566.

Senators Eide and Benson spoke in favor of passage of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6566 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli – 47

Excused: Senators Fairley and McCaslin – 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6787, with the following amendment(s) 6787-S.E AMH...5512.7.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.645 and 1995 2nd sp.s. c 14 s 558 are each amended to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for ~~((capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels)) operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW. Moneys in the account shall be expended with legislative appropriation.~~

NEW SECTION. Sec. 2. By October 31, 2006, the department of transportation shall have an independent appraisal of the market value of the Washington state ferries Snohomish and Chinook and present it to the transportation committees of the legislature and the governor by November 1, 2006. The department of transportation shall sell or otherwise dispose of the Washington state ferries Snohomish and Chinook for market value and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645 as soon as practicable upon approval by the governor of the business plan described in RCW 36.54.110(5).

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

The department shall maintain the level of service existing on January 1, 2006, for the Vashon to Seattle passenger-only ferry route until such time as the legislature approves a county ferry district's assumption of the route, as authorized under RCW 36.54.110(5), providing a level of service at or exceeding the state level.

NEW SECTION. Sec. 4. A new section is added to chapter 47.01 RCW to read as follows:

(1) The department of transportation shall establish a ferry grant program subject to availability of amounts appropriated for this specific purpose. The purpose of the grant program is to provide operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW to operate passenger-only ferry service.

(2) In providing grants under this section, the department may enter into multiple year contracts with the stipulation that future year allocations are subject to the availability of funding as provided by legislative appropriation.

(3) Priority shall be given to grant applications that provide continuity of existing passenger-only service and the provision of local or federal matching funds.

NEW SECTION. Sec. 5. A new section is added to chapter 47.60 RCW to read as follows:

The Washington state ferry system shall collaborate with new and potential passenger-only ferry service providers, as described in RCW 36.54.110(5), for terminal operations at its existing terminal facilities.

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

The office of financial management shall contract to develop a back-up plan for operating the Vashon to Seattle passenger-only ferry route existing on January 1, 2006, that does not include operations by state government.

Sec. 7. RCW 36.54.110 and 2003 c 83 s 301 are each amended to read as follows:

(1) The legislative authority of a county (~~with a population over one million persons and having a boundary on Puget Sound~~) may adopt an ordinance creating a ferry district in all or a portion of the area of the county, including the area within the corporate limits of any city or town within the county. The ordinance may be adopted only after a public hearing has been held on the creation of a ferry district, and the county legislative authority makes a finding that it is in the public interest to create the district. (~~A ferry district is limited to providing passenger-only ferry service.~~)

(2) A ferry district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(3) A ferry district is a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The members of the county legislative authority, acting ex officio and independently, shall compose the governing body of any ferry district that is created within the county. The voters of a ferry district must be registered voters residing within the boundaries of the district.

(5) (~~For the purposes of this section, Puget Sound is considered as extending north as far as the Canadian border and west as far as Port Angeles.~~) A county with a population greater than one million persons and having a boundary on Puget Sound, or a county to the west of Puget Sound with a population greater than two hundred thirty thousand but less than three hundred thousand persons, proposing to create a ferry district to assume a passenger-only ferry route between Vashon and Seattle, including an expansion of that route to include Southworth, shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, 2006. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan. The business plan may include provisions regarding coordination with an appropriate county to participate in a joint ferry under RCW 36.54.030 through 36.54.070. In order to be considered for assuming the route, the ferry district shall ensure that the route will be operated only by the ferry district and not contracted out to a private entity, all existing labor agreements will be honored, and operations will begin no later than July 1, 2007. If the route is to be expanded to include serving Southworth, the ferry district shall enter into an interlocal agreement with the public transportation benefit area serving the Southworth ferry terminal within thirty days of beginning Southworth ferry service. For the purposes of this subsection, Puget Sound is considered as extending north to Admiralty Inlet.

NEW SECTION. Sec. 8. A new section is added to chapter 36.57A RCW to read as follows:

A public transportation benefit area seeking funding for a passenger-only ferry route between Kingston and Seattle shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, 2006. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan.

Sec. 9. RCW 36.54.130 and 2003 c 83 s 303 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for providing (~~passenger-only~~) ferry services, including the purchase, lease, or rental of (~~passenger-only~~) ferry vessels and dock facilities, the operation and maintenance of (~~passenger-only~~) ferry vessels and dock facilities, and related personnel costs.

Sec. 10. RCW 36.54.050 and 1963 c 4 s 36.54.050 are each amended to read as follows:

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The joint commission is authorized to transact all business necessary in carrying out the purposes of RCW 36.54.030 through 36.54.070 and its acts shall be binding upon the two counties, and one-half of all bills and obligations created by the commission shall be binding and a legal charge against the road fund of each county and the claims therefor shall be allowed and paid out of the county road fund the same as other claims against said fund are allowed and paid, unless otherwise provided in an agreement between the two counties.

Sec. 11. RCW 81.84.020 and 2005 c 313 s 609 and 2005 c 121 s 7 are each reenacted and amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities, counties, and public transportation benefit areas and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after notice and an opportunity for a hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder has failed or refused to furnish reasonable and adequate service, has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed, or has not objected to the issuance of the certificate as prayed for: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of July 25, 1993.

(4) In granting a certificate for passenger-only ferries and determining what conditions to place on the certificate, the commission shall consider and give substantial weight to the effect of its decisions on public agencies operating, or eligible to operate, passenger-only ferry service.

(5) Until July 1, ~~((2006))~~ 2007, the commission shall not accept or consider an application for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million people. Applications for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million pending before the commission as of May 9, 2005, shall be held in abeyance and not considered before July 1, ~~((2006))~~ 2007."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6787.

Senators Brandland, Oke, Benson and Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6787.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6787 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6787, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6787, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benton, Esser and Honeyford - 3

Absent: Senator Deccio - 1

Excused: Senators Fairley and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6787, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2006

FIFTY-NINTH DAY, MARCH 8, 2006

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6366 was returned to second reading for purpose of an amendment: 6366-S.E AMH SCHU BLAC 200, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

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

(1) Pandemic influenza is a global outbreak of disease that occurs when a new virus appears in the human population, causes serious illness, and then spreads easily from person to person.

(2) Historically, pandemic influenza has occurred on average every thirty years. Most recently, the Asian flu in 1957-58 and the Hong Kong flu in 1968-69 killed seventy thousand and thirty-four thousand, respectively, in the United States.

(3) Another influenza pandemic could emerge with little warning, affecting a large number of people. Estimates are that another pandemic influenza would cause more than two hundred thousand deaths in our country, with as many as five thousand in Washington. Our state could also expect ten thousand to twenty-four thousand people needing hospital stays, and as many as a million people requiring outpatient visits. During a severe pandemic these numbers could be much higher. The economic losses could also be substantial.

(4) The current Avian or bird flu that is spreading around the world has the potential to start a pandemic. There is yet no proven vaccine, and antiviral medication supplies are limited and of unknown effectiveness against a human version of the virus, leaving traditional public health measures as the only means to slow the spread of the disease. Given the global nature of a pandemic, as much as possible, the state must be able to respond assuming only limited outside resources and assistance will be available.

(5) An effective response to pandemic influenza in Washington must focus at the local level and will depend on preestablished partnerships and collaborative planning on a range of best-case and worst-case scenarios. It will require flexibility and real-time decision making, guided by accurate information. It will also depend on a well-informed public that understands the dangers of pandemic influenza and the steps necessary to prevent the spread of the disease.

(6) Avian flu is but one example of an infectious disease that, were an outbreak to occur, could pose a significant statewide health hazard. As such, preparation for pandemic flu will also enhance the capacity of local public health jurisdictions to respond to other emergencies.

It is therefore the intent of the legislature that adequate pandemic flu preparedness and response plans be developed and implemented by local public health jurisdictions statewide in order to limit the number of illnesses and deaths, preserve the continuity of essential government and other community services, and minimize social disruption and economic loss in the event of an influenza pandemic.

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

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

(3) "Secretary" means the secretary of the department of health.

NEW SECTION. Sec. 3. (1) The secretary shall establish requirements and performance standards, consistent with any requirements or standards established by the United States department of health and human services, regarding the

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development and implementation of local pandemic flu preparedness and response plans.

(2) To the extent state or federal funds are provided for this purpose, by November 1, 2006, each local health jurisdiction shall develop a pandemic flu preparedness and response plan, consistent with requirements and performance standards established in subsection (1) of this section, for the purpose of:

(a) Defining preparedness activities that should be undertaken before a pandemic occurs that will enhance the effectiveness of response measures;

(b) Describing the response, coordination, and decision-making structure that will incorporate the local health jurisdiction, the local health care system, other local response agencies, and state and federal agencies during the pandemic;

(c) Defining the roles and responsibilities for the local health jurisdiction, local health care partners, and local response agencies during all phases of a pandemic;

(d) Describing public health interventions in a pandemic response and the timing of such interventions;

(e) Serving as a guide for local health care system partners, response agencies, and businesses in the development of pandemic influenza response plans; and

(f) Providing technical support and information on which preparedness and response actions are based.

Each plan shall be developed based on an assessment by the local health jurisdiction of its current capacity to respond to pandemic flu and otherwise meet department outcome measures related to infectious disease outbreaks of statewide significance.

NEW SECTION. Sec. 4. (1) Each local health jurisdiction shall develop its pandemic flu preparedness and response plan based on the requirements and performance standards established under section 3(1) of this act and an assessment of the jurisdiction's current capacity to respond to pandemic flu. The plan shall be developed in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. At a minimum, each plan shall address:

(a) Strategies to educate the public about the consequences of influenza pandemic and what each person can do to prepare, including the adoption of universal infectious disease prevention practices and maintaining appropriate emergency supplies;

(b) Jurisdiction-wide disease surveillance programs, coordinated with state and federal efforts, to detect pandemic influenza strains in humans and animals, including health care provider compliance with reportable conditions requirements, and investigation and analysis of reported illness or outbreaks;

(c) Communication systems, including the availability of and access to specialized communications equipment by health officials and community leaders, and the use of mass media outlets;

(d) Mass vaccination plans and protocols to rapidly administer vaccine and monitor vaccine effectiveness and safety;

(e) Guidelines for the utilization of antiviral medications for the treatment and prevention of influenza;

(f) Implementation of nonmedical measures to decrease the spread of the disease as guided by the epidemiology of the pandemic, including increasing adherence to public health advisories, voluntary social isolation during outbreaks, and health officer orders related to quarantines;

(g) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, and assuring the availability of adequate facilities and trained personnel;

(h) Strategies for maintaining social order and essential community services while limiting the spread of disease throughout the duration of the pandemic; and

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 RICHARD NAFZIGER, Chief Clerk

(i) The jurisdiction's relative priorities related to implementation of the above activities, based on available funding.

(2) To the extent state or federal funds are provided for this purpose, the department, in consultation with the state director of emergency management, shall provide technical assistance and disburse funds as needed, based on the formula developed under sections 6 of this act, to support local health jurisdictions in developing their pandemic flu preparedness and response plans.

NEW SECTION. Sec. 5. Local health jurisdictions shall submit their pandemic flu preparedness and response plans to the secretary by November 1, 2006. Upon receipt of a plan, the secretary shall approve or reject the plan. When the plan is determined by the department to comply with the requirements and integrate the performance standards established under section 3(1) of this act, any additional state or federal funding appropriated in the budget shall be provided to the local health jurisdiction to support the preparedness response activities identified in the plan, based upon a formula developed by the secretary under section 6 of this act. Preparedness and response activities include but not limited to:

(1) Education, information, and outreach, in multiple languages, to increase community preparedness and reduce the spread of the disease should it occur;

(2) Development of materials and systems to be used in the event of a pandemic to keep the public informed about the influenza, the course of the pandemic, and response activities;

(3) Development of the legal documents necessary to facilitate and support the necessary government response;

(4) Training and response drills for local health jurisdiction staff, law enforcement, health care providers, and others with responsibilities identified in the plan;

(5) Enhancement of the communicable disease surveillance system; and

(6) Development of coordination and communication systems among responding agencies.

Where appropriate, these activities shall be coordinated and funded on a regional or statewide basis. The secretary, in consultation with the state director of emergency management, shall provide implementation support and assistance to a local health jurisdiction when the secretary or the local health jurisdiction has concerns regarding a jurisdiction's progress toward implementing its plan.

NEW SECTION. Sec. 6. The secretary shall develop a formula for distribution of any federal and state funds appropriated in the omnibus appropriations act on or before July 1, 2006, to local health jurisdictions for development and implementation of their pandemic flu preparedness and response plans. The formula developed by the secretary shall ensure that each local health jurisdiction receives a minimum amount of funds for plan development and that any additional funds for plan development be distributed equitably, including consideration of population and factors that increase susceptibility to an outbreak, upon soliciting the advice of the local health jurisdictions.

NEW SECTION. Sec. 7. The secretary shall:

(1) Develop a process for assessing the compliance of each local health jurisdiction with the requirements and performance standards developed under section 3(1) of this act at least biannually.

(2) By November 15, 2008, report to the legislature on the level of compliance with the performance standards established under section 3(1) of this act. The report shall consider the extent to which local health jurisdictions comply with each performance standard and any impediments to meeting the expected level of performance.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW." and the same are herewith transmitted.

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366.

Senators Keiser, Brandland and Parlette spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366.

MOTION

On motion of Senator Schoesler, Senators Johnson and Deccio were excused.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6366 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Fairley, Johnson, Kline and McCaslin - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR

March 8, 2006

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the State of Washington, the Governor hereby submits her report of each case of reprieve, commutation or pardon that she has granted since the adjournment of the 2005 Regular Session of the 59th Legislature, copies of which are attached.

Sincerely,
RICHARD E. MITCHELL, General Counsel

**CONDITIONAL PARDON
OF
SCOTT BILIKAS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, prior to 1992 and as a juvenile, Scott Jeffrey Bilikas had several convictions. In 1992, he took a camcorder from the home of an acquaintance and put it in his car. Mr. Bilikas was charged with Theft First Degree and ultimately pled guilty to the charge of Theft Second Degree. Later that year, Mr. Bilikas was arrested as a result of another theft. He was charged with Theft Second Degree and ultimately pled guilty of Possession of Stolen Property. He was sentenced concurrently to two months and 29 days for each offense in county jail.

WHEREAS, in 1997 Mr. Bilikas was sentenced to four months probation for the Unlawful Possession of a Firearm. During the possession of the firearm, Mr. Bilikas accidentally shot someone – an incident for which he still owes restitution in excess of \$50,000 to this date. During his petition hearing, Mr. Bilikas acknowledged his obligation to complete payment on his restitution, and noted that his ability to secure employment after graduation from college would effect how quickly the restitution was paid.

WHEREAS, during his incarceration in 1998 for subsequent drug possession offenses, Mr. Bilikas took correspondence courses through Seattle Central Community College. While on work release, he attended Tacoma Community College where he finished with straight “A”s. since his release from prison, Mr. Bilikas has remained arrest free. By his own testimony at the petition hearing, Mr. Bilikas became determined in 1998 to turn his life around.

WHEREAS, after Tacoma Community College, Mr. Bilikas went on to the University of Washington, where is currently majoring in accounting. He served as an officer in Beta Alpha Psi, the student accounting organization. Mr. Bilikas has a grade point average of 3.66 and has been admitted to the graduate tax program at the University of Washington for the coming academic year. His long-term goal is to become a certified public accountant specializing in federal income taxation.

WHEREAS, Mr. Bilikas; successful effort at self-rehabilitation is illustrative of a sincere desire to become a better person. His demonstrated focus on education and on becoming a productive

member of society stands as an example for all those who find themselves incarcerated.

WHEREAS, Mr. Bilikas requests a pardon so that he may achieve meaningful employment as a certified public accountant despite his 1992 convictions of Theft Second Degree and Possession of Stolen Property. Although he is aware that a pardon does not eliminate the need to disclose all of his convictions to potential employers and other appropriate officials/entities, he wished to demonstrate his rehabilitation with a pardon. Mr. Bilikas has support from his community including many professors at the University of Washington. The Pierce County Prosecutor has declined to support or oppose the petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Scott J. Bilikas the **CONDITIONAL PARDON** of his convictions of Theft Second Degree and Possession of Stolen Property on the following conditions:

1. He must remain free from any convictions for ten (10) years from the date of this Condition Pardon;
2. He must clearly and cogently demonstrate that he has not failed to disclose any of his convictions to any potential employer, official or other appropriate entity requesting such information;
3. He must demonstrate that, once employed, he has made substantial efforts toward paying restitution owed relating to his Unlawful Possession of a Firearm conviction; and
4. Following the expiration of ten (10) years from the date of this Conditional Pardon, he may re-petition the Clemency and Pardons Board for a new hearing for the issuance of a full and conditional pardon.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 30th day of January, A. D. two-thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
LEE G. BOISJOLIE**

To All to Whom These Presents Shall Come, Greetings:

FIFTY-NINTH DAY, MARCH 8, 2006

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**OF
HOUR KIM CHHAY**

WHEREAS, in 1955, Lee G. Boisjolie was driving a car that partially crossed over the center line and collided head on with another car, killing the fifteen year old passenger in his car. Mr. Boisjolie was 17 years old at the time. He was charged with the convicted of Negligent Homicide and sentenced to 24 months imprisonment. He was released from prison and paroled after 15 months, evidencing exemplary conduct as a prisoner and parolee.

WHEREAS, Mr. Boisjolie's civil rights were restored by the Indeterminate Sentence Review Board on August 10, 1962. for a number of years thereafter, Mr. Boisjolie was able to own firearms and to hunt. Since 1962, he consistently applied for and renewed his concealed weapons and gun permits. He conducted himself responsibly and held firearms under permit as a collector and hunter.

WHEREAS, in April 2001, after Mr. Boisjolie submitted a permit renewal application, the Spokane Police Department advised him in writing that his gun rights had been revoked. Shortly thereafter, his concealed weapons permit with all gun ownership privileges were also revoked. Upon revocation of his gun rights, he immediately removed all firearms from his home in accordance with the law. Mr. Boisjolie requested a full pardon so that he may again own and carry guns lawfully under permit and license. The Spokane County Prosecuting Attorney does not object to the petition.

WHEREAS, Mr. Boisjolie has maintained an exemplary life since being released from prison. He has held and possessed firearms lawfully for the past 43 years and has had no subsequent contact with Washington State law enforcement. The Spokane County prosecutor did not object to Mr. Boisjolie's petition of the Governor's Office.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Lee G. Boisjolie the FULL AND UNCONDITIONAL pardon of his conviction of Negligent Homicide so that he may lawfully own and possess firearms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 30th day of January, A. D., two thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

COMMUTATION

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Mr. Hour Kim Chhay went to a retail clothing store, and draped a pair of jeans over his arm. He began to leave the store without paying for the jeans, and was stopped by two security officers. Mr. Chhay was ultimately arrested for shoplifting and convicted of misdemeanor theft. He was sentenced to 365 days in prison, all of which was suspended, forty hours of community service, and \$590.00 in restitution.

WHEREAS, since his conviction, Mr. Chhay has paid his ordered restitution and completed required community service. He has also received his Associate of Technical Arts Degree in Information Technology. Today, he is a junior at Evergreen State College on the Dean's List, with a concentration in Computer Science. He has had no further contact with Washington State law enforcement.

WHEREAS, Mr. Chhay is a legal, permanent resident whose wife, parents, and a number of family members are all United States citizens. He would like to become a United States citizen so that he will have greater employment opportunities and enjoy all the rights and privileges that come with citizenship. He has demonstrated his commitment to providing for and supporting his family.

WHEREAS, under federal immigration law, Mr. Chhay's misdemeanor conviction falls within a broadly defined class of aggravated felonies. As such, he conviction renders him statutorily ineligible to apply to become a United States citizen. Furthermore, it limits his professional opportunities and ability to support his family. The Olympia City Attorney has chosen to neither support nor oppose Mr. Chhay's petition to the Governor's Office.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Hour Kim Chhay commutation of his sentence to 364 days so that me may apply for citizenship within the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington, to be affixed at Olympia on this 30th day of January, A. D., two thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED

**OF
DOUGLAS M. PERRY**

**FULL AND UNCONDITIONAL PARDON
OF
CURTIS MARCUS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1967, police found the end of a Marijuana cigarette in Curtis Marcus' residence. They did not find Marijuana on his person. Mr. Marcus was subsequently charged and convicted of Possession of Marijuana. He was sentenced to 20 years imprisonment, which was suspended, and 20 years probation. Mr. Marcus served five months in county jail, three years of active probation, and seventeen years of inactive probation.

WHEREAS, since his sentencing, Mr. Marcus has led a productive and successful life, becoming president and Chief Executive Officer of a major company with over 190 employees and \$42 million in assets. In addition, he has had no subsequent contact with Washington State law enforcement. He has become a pillar of his community, several members of which submitted letters of recommendation requesting that his petition be granted. The Mason County Prosecutor's Office did not testify or otherwise write in opposition to or in support of Mr. Marcus' petition.

WHEREAS, by his own testimony, Mr. Marcus has been psychologically burdened by the stigma of being a felon. He has not been able to vote, hunt, or serve in the military. It is now his desire to continue as a full and productive member of his community, without limitations imposed upon him at his conviction 38 years ago.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Curtis Marcus the FULL AND UNCONDITIONAL pardon of his 1967 conviction of Possession of Marijuana.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 30th day of January, A. D., two thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

FULL AND UNCONDITIONAL PARDON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998, Douglas McAndrews Perry and his wife separated and divorced. She obtained a No Contact Order (Order) against him. The Order precluded Mr. Perry from being within a certain distance of Mrs. Perry or her home. The Order did not preclude contact "during child transfer...[and] during public activities concerning the children. Mr. Perry violated this Order on two occasions.

WHEREAS, in March of 1998, Mr. Perry attended his son's baseball tryouts. Mrs. Perry also attended the tryouts with their two other children. During the tryouts, Mr. Perry approached Mrs. Perry to talk to her. After Mrs. Perry reminded him about the Order, he walked away. At the end of the tryouts, and as Mrs. Perry and each of the couple's three children got into Mrs. Perry's car, Mr. Perry walked over to the car to say goodbye. Mrs. Perry again reminded Mr. Perry about the Order. He again walked away. That evening, when Mr. Perry arrived at his home, he was arrested and charged with violating the Order. In order to avoid the stress that a trial would have on his sons Mr. Perry accepted a plea bargain.

WHEREAS, in June of 1998, Mr. Perry went to Mrs. Perry's apartment to return athletic equipment left in his car by his son. Mr. Perry did not try to enter Mrs. Perry's home. When Mr. Perry returned to his home, he was arrested and charged with violating the Order. In order to avoid the stress that a trial would have on his sons, Mr. Perry again accepted a plea bargain.

WHEREAS, when the contacts in violation of the Order occurred, Mr. Perry did not engage in any physical violence with his wife. He has completed all court-mandated programs and is current in his child support payments. On his own volition, he has participated in and completed two years of counseling.

WHEREAS, prior to his convictions, Mr. Perry was employed for many years as a teacher and coach. He has experience working with youth as a community volunteer, church youth worker, youth minister, teacher, and sports coach. He is highly regarded in his community by students and teachers alike. Mr. Perry has demonstrated that he has been a positive role model for youth in the past and would continue to be a positive role model in the future. Due to his convictions, Mr. Perry has been precluded from working as a youth volunteer, teacher or coach. Mr. Perry's ex-wife believes he has served his sentence and should be allowed to teach and work with youth again. The Kitsap County Prosecutor's Office acknowledged Mrs. Perry's support of the petition, and did not write or testify in opposition to it.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Douglas McAndrews Perry the FULL AND

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UNCONDITIONAL pardon of his two misdemeanor convictions for violations of a No Contact Order so that he may resume his career as a teacher and coach.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 30th day of January, A. D., two thousand and six.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAME REED
Secretary of State

MOTION

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

MOTION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8419, previously held at the desk on March 3, 2006, was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8419, by Senator Carrell

Exempting HB 3317 from the cutoff resolution.

The measure was read the second time.

MOTION

Senator Eide moved that the following amendment by Senators Brown and Hewitt be adopted.

On page 1, after "apply to" on line 7, strike everything through "drug)" on line 8 and insert: "Substitute House Bill No. 3293 (Relating to disorderly conduct) or Substitute House Bill No. 2688 (Addressing the law enforcement officers' and fire fighters' retirement system plan 1)"

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and Hewitt on page 1, line 7 to Senate Concurrent Resolution No. 8419.

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

PARLIAMENTARY INQUIRY

Senator Mulliken: "Thank you Mr. President. You earlier ruled that Substitute House Bill No. 2688 is beyond cut off. This body has adopted a concurrent resolution or is considering a concurrent resolution that would exempt this measure from cut off but this has not yet been passed by the House. Consistent with your past rulings on such matters Mr. President, I believe that the House must first pass the exemption before we can take up this measure. Since it is or will be a house bill on this concurrent resolution I respectfully request your ruling."

REMARKS BY THE PRESIDENT

President Owen: "Senator Mulliken, the President has previously ruled in this situation that when it is a house bill that is being placed onto the amending of the concurrent resolution that the House must act on it first, before the Senate does. So, if the concurrent resolution passes, they pass it, then they pass the bill, then we can act on it."

PARLIAMENTARY INQUIRY

Senator Mulliken: "If they pass it?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8419 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Concurrent Resolution No. 8419.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419 was adopted by voice vote.

MOTION

On motion of Senator Eide, Engrossed Senate Concurrent Resolution No. 8419 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Finkbeiner, Senator Oke was excused.

MOTION

At 7:06 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:10 p.m. by President Owen.

MOTION

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

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MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s):

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s):

ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581,

SENATE CONCURRENT RESOLUTION NO. 8423,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2416,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,

SUBSTITUTE HOUSE BILL NO. 2695,
ENGROSSED HOUSE BILL NO. 2716,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098,

ENGROSSED HOUSE BILL NO. 3261,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2416,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,

SUBSTITUTE HOUSE BILL NO. 2695,
ENGROSSED HOUSE BILL NO. 2716,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098,

ENGROSSED HOUSE BILL NO. 3261,

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6800 was returned to second reading for purpose of an amendment: 6800-S AMH WALL AMH5548.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to read as follows:

There is hereby created a transportation commission, which shall consist of seven voting members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official (~~(or)~~), state officer, or state employee shall be a member of the commission (~~(, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party)~~). At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county; however, the governor, or his or her designee, shall serve as a nonvoting member of the commission. Commission appointments should reflect both a wide range of transportation interests and a balanced statewide geographic representation. Commissioners (~~(shall not)~~) may be removed from office by the governor before the expiration of their terms (~~(unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question)~~) for cause. No member shall be appointed for more than two consecutive terms.

Sec. 2. RCW 47.01.061 and 2005 c 319 s 4 are each amended to read as follows:

(1) The commission shall meet at such times as it deems advisable but at least (~~(once every month)~~) on a quarterly basis with meetings to be held in different parts of the state. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an (~~(administrative secretary)~~) executive director, and shall elect one of its members (~~(chairman)~~) chair for a term of one year. The (~~(chairman shall be able to)~~) chair may vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall (~~(a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days)~~) the entire commission membership be compensated for more than one thousand two hundred thirty days combined. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

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(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business.

Sec. 3. RCW 47.01.071 and 2005 c 319 s 5 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) To prepare a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the governor and the legislature, and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter. The plan shall be subject to the approval of the legislature in the biennial transportation budget act.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(6) ~~(To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;~~

~~(7)) To adopt such rules, regulations, and policy directives))~~ as may be necessary to carry out reasonably and

properly those functions expressly vested in the commission by statute;

~~((8))~~ (7) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

~~(8) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and~~

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 4. RCW 47.01.075 and 2005 c 319 s 6 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry. At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues.

(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report ~~((that outlines the))~~ and propose to the office of financial management transportation priorities ((of)) for the ensuing biennium. The report must:

(a) Consider the citizen input gathered at the forums;

(b) Be developed with the assistance of state transportation-related agencies and organizations;

(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, ~~((and))~~ key transportation stakeholders, and the office of financial management;

(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;

(e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.

(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

(4) In order to promote a better transportation system, the commission shall offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:

(a) Transportation finance;

(b) Preserving, maintaining, and operating the statewide transportation system;

(c) Transportation infrastructure needs;

(d) Promoting best practices for adoption and use by transportation-related agencies and programs;

(e) Transportation efficiencies that will improve service delivery and/or coordination;

(f) Improved planning and coordination among transportation agencies and providers; ~~((and))~~

(g) Use of intelligent transportation systems and other technology-based solutions; and

(h) Reporting of performance against goals, targets, and benchmarks.

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Sec. 5. RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this (~~(1977 amendatory act)~~) title, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

Sec. 6. RCW 47.01.101 and 2005 c 319 s 7 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district, region, or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide, under contract or interagency agreement, ~~((full))~~ staff support to the commission, including long-term technical and administrative support as needed, to assist it in carrying out its functions, powers, and duties;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation;

(9) To advise the governor and the legislature with respect to matters under the jurisdiction of the department; and

(10) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 7. RCW 47.01.280 and 2005 c 319 s 121 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the ~~((transportation commission))~~ department shall, in a timely manner, determine whether or not the proposed state highway improvements:

(a) Meet the safety and design criteria of the department of transportation;

(b) Will impair the operational integrity of the existing highway system; and

(c) Will affect any other improvements planned by the department; ~~(; and~~

~~(d) Will be consistent with its policies developed pursuant to RCW 47.01.071).~~

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the ~~((transportation commission))~~ department shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the ~~((transportation commission))~~ department disapproves any

proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the ~~((transportation commission))~~ department shall ~~((direct the department of transportation to))~~ carry out the improvements in coordination with the applicant.

Sec. 8. RCW 47.05.021 and 2005 c 319 s 8 are each amended to read as follows:

(1) The department shall conduct periodic analyses of the entire state highway system ~~(;)~~ and report to the ~~((commission))~~ office of financial management and the chairs of the transportation committees of the senate and house of representatives, any subsequent recommendations to subdivide, classify, and subclassify all designated state highways into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) The ~~((transportation commission))~~ department shall adopt a functional classification of highways. The ~~((commission))~~ department shall consider ~~((the recommendations of the department and testimony))~~ comments from the public and local municipalities. The ~~((commission))~~ department shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The ~~((transportation commission))~~ department or the legislature shall designate state highways of statewide significance under RCW 47.06.140. If the ~~((commission))~~ department designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The ~~((transportation commission))~~ department shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and

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city streets. The ~~((commission))~~ department, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 9. RCW 36.57A.191 and 2003 c 363 s 304 are each amended to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the department of transportation ~~((commission or its successor entity))~~. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 10. RCW 36.78.121 and 2003 c 363 s 307 are each amended to read as follows:

The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the ~~((transportation commission or its successor entity))~~ office of financial management.

Sec. 11. RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

Counties receiving funds from the rural arterial trust account for construction of arterials and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the ~~((state transportation commission))~~ office of financial management. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

Sec. 12. RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each amended to read as follows:

Not later than November 1st of each even-numbered year the board shall prepare and present to the ~~((state transportation commission))~~ office of financial management a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The ~~((state transportation commission))~~ office of financial management shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.

Sec. 13. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, ~~((its successor entity))~~ the department, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

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Sec. 14. RCW 43.10.101 and 2005 c 319 s 104 are each amended to read as follows:

The attorney general shall prepare annually a report to the transportation committees of the legislature, the governor, the department of transportation, and the transportation commission~~((and the transportation performance audit board))~~ comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 15. RCW 46.44.042 and 1996 c 116 s 1 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. ~~((Effective January 1, 1997.))~~ An axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, ~~((under rules adopted by the transportation commission))~~ by rule with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

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Sec. 16. RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated ~~((by the transportation commission as forming))~~ a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 17. RCW 46.44.090 and 2001 c 262 s 1 are each amended to read as follows:

The department of transportation, pursuant to its rules ~~((adopted by the transportation commission))~~ with respect to state highways, and local authorities, with respect to public highways under their jurisdiction, may, upon application in writing and good cause being shown therefor, issue a special permit in writing, or electronically, authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 18. RCW 46.44.092 and 1989 c 398 s 2 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

- On two-lane highways, fourteen feet;
- On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;
- On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

- (1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than

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the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation (~~(pursuant to general rules adopted by the transportation commission)~~) determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 19. RCW 46.44.096 and 1996 c 92 s 1 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit

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sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors the department shall consider, but is not limited to, in the selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means a business entity that is authorized by the department to issue special permits. The department of transportation (~~(commission)~~) may adopt rules specifying the criteria that a business entity must meet in order to qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the (~~(state)~~) department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

Sec. 20. RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the department of transportation (~~(commission)~~) as forming a part of the route of

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any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 21. RCW 46.68.113 and 2003 c 363 s 305 are each amended to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation (~~(commission or its successor entity)~~). Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

Sec. 22. RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the ~~((transportation commission))~~ department shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The ~~((commission))~~ department need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the ~~((commission))~~ department to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department ~~((of transportation))~~ is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 23. RCW 47.28.170 and 1990 c 265 s 1 are each amended to read as follows:

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

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(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding ~~((two))~~ seven hundred thousand dollars awarded under subsection (1) or (2) of this section with the ~~((transportation commission at its next regularly scheduled meeting))~~ office of financial management within thirty days of the contract award.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Sec. 24. RCW 47.38.060 and 1996 c 172 s 1 are each amended to read as follows:

The ~~((transportation commission))~~ department may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The ~~((commission))~~ department shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

Sec. 25. RCW 47.52.133 and 1987 c 200 s 2 are each amended to read as follows:

Except as provided in RCW 47.52.134, the ~~((transportation commission))~~ department and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

Sec. 26. RCW 47.52.145 and 1981 c 95 s 2 are each amended to read as follows:

Whenever after the final adoption of a plan for a limited access highway by the ~~((transportation commission))~~ department, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the ~~((commission))~~ department may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a

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county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

Sec. 27. RCW 47.52.210 and 1981 c 95 s 3 are each amended to read as follows:

(1) Whenever the (~~transportation commission~~) department adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the secretary of transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

Sec. 28. RCW 81.112.086 and 2003 c 363 s 306 are each amended to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the department of transportation (~~commission or its successor entity~~). The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life-cycle cost methodologies.

Sec. 29. RCW 36.56.121 and 2003 c 363 s 303 are each amended to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the (~~transportation commission or its successor entity~~) department of transportation. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 30. RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read as follows:

The comprehensive transit plan adopted by the authority shall be reviewed by the state department of transportation (~~commission~~) to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds(;

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~~After reviewing the comprehensive transit plan, the state transportation commission shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of July 1, 1975. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval).~~

Sec. 31. RCW 47.10.861 and 2003 c 147 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as transportation 2003 projects or improvements in the omnibus transportation budget, there shall be issued and sold upon the request of the secretary of the department of transportation (~~commission~~) a total of two billion six hundred million dollars of general obligation bonds of the state of Washington.

Sec. 32. RCW 47.10.862 and 2003 c 147 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation (~~commission~~), as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in RCW 47.10.861 through 47.10.866 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861 through 47.10.866 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 33. RCW 47.10.843 and 1998 c 321 s 16 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the (~~Washington state~~) secretary of the department of transportation (~~commission~~) a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

Sec. 34. RCW 47.10.844 and 1998 c 321 s 17 are each amended to read as follows:

Upon the request of the secretary of the department of transportation (~~commission~~), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

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The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 35. RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each amended to read as follows:

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the ~~((Washington state))~~ secretary of the department of transportation ((commission)) a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

Sec. 36. RCW 47.10.835 and 1994 c 183 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. In making such appropriation of the net proceeds of the sale of the bonds, the legislature shall specify what portion of the appropriation is provided for possible loans and what portion of the appropriation is provided for other forms of cash contributions to projects.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 37. RCW 47.10.819 and 1993 c 432 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other highway improvements, there shall be issued and sold upon the request of the ~~((Washington state))~~ secretary of the department of transportation ((commission)) a total of one hundred million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(1) Not to exceed twenty-five million dollars to pay the state's and local governments' share of matching funds for the ten demonstration projects identified in the Intermodal Surface Transportation Efficiency Act of 1991.

(2) Not to exceed fifty million dollars to temporarily pay the regular federal share of construction in advance of federal-aid apportionments as authorized by this section.

(3) Not to exceed twenty-five million dollars for loans to local governments to provide the required matching funds to take advantage of available federal funds. These loans shall be on such terms and conditions as determined by the ~~((Washington state))~~ secretary of the department of transportation ((commission)), but in no event may the loans be for a period of more than ten years. The interest rate on the loans authorized under this subsection shall be equal to the interest rate on the bonds sold for such purposes.

Sec. 38. RCW 47.10.820 and 1993 c 432 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824 shall be sold in such

manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 39. RCW 47.02.120 and 1990 c 293 s 1 are each amended to read as follows:

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the ~~((Washington transportation commission))~~ secretary of the department of transportation a total of fifteen million dollars of general obligation bonds of the state of Washington.

Sec. 40. RCW 47.02.140 and 1990 c 293 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((commission)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 41. RCW 47.17.132 and 1997 c 308 s 1 are each amended to read as follows:

A state highway to be known as state route number 35 is established as follows:

Beginning at the Washington-Oregon boundary line thence northerly to a junction with state route number 14 in the vicinity of White Salmon (~~((however, until such time as a bridge across the Columbia River is constructed at a location adopted by the transportation commission no existing route may be maintained or improved by the transportation commission as a temporary route for state route number 35))~~).

Sec. 42. RCW 47.24.010 and 1998 c 245 s 97 are each amended to read as follows:

The department of transportation ((commission)) shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the department ~~((of transportation))~~ shall identify by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the department ~~((of transportation))~~ from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the department ~~((of transportation))~~ to the clerk

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of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 43. RCW 43.88.030 and 2005 c 386 s 3 and 2005 c 319 s 108 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

~~((Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.))~~

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

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(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by

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members of the legislative evaluation and accountability program committee if the legislature is not in session.

NEW SECTION. Sec. 44. A new section is added to chapter 47.01 RCW to read as follows:

(1) The transportation commission may review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the legislature and the governor have the means to adequately and accurately assess the performance and outcomes of those agencies and departments.

(2) The performance and outcome measures and benchmarks of each transportation-related agency or department may be reviewed at the discretion of the transportation commission, or at the request of the legislature or the governor. In setting the schedule and the extent of performance reviews, the commission shall consider the timing and results of other recent state, federal, and independent reviews and audits, the seriousness of past findings, any inadequate remedial action taken by an agency or department, whether an agency or department lacks performance and outcome measures, and the desirability to include a diverse range of agencies or programs each year. The commission shall avoid duplication of effort in conducting performance reviews by coordinating with the state auditor, joint legislative audit and review committee, the citizen advisory board, and the governor's performance review process.

(3) The reviews may include, but are not limited to:

(a) A determination of whether the performance and outcome measures are consistent with legislative mandates, strategic plans, mission statements, and goals and objectives, and whether the legislature has established clear mandates, strategic plans, mission statements, and goals and objectives that lend themselves to performance and outcome measurement;

(b) An examination of how agency management uses the measures to manage resources in an efficient and effective manner;

(c) An assessment of how performance benchmarks are established for the purpose of assessing overall performance compared to external standards and benchmarks;

(d) An examination of how an analysis of the measurement data is used to make planning and operational improvements;

(e) A determination of how performance and outcome measures are used in the budget planning, development, and allotment processes and the extent to which the agency is in compliance with its responsibilities under RCW 43.88.090;

(f) A review of how performance data are reported to and used by the legislature both in policy development and resource allocation;

(g) An assessment of whether the performance measure data are reliable and collected in a uniform and timely manner;

(h) A determination whether targeted funding investments and established priorities of government actually produce the intended and expected services and benefits; and

(i) Recommendations as necessary or appropriate.

(4) For the purposes of this section, "transportation-related agencies" means any state or local agency, board, special purpose district, or commission that receives or generates funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies.

(5) The state auditor, legislative auditor, governor, and director of the office of financial management shall report to the transportation commission on an annual basis concerning their performance improvement efforts to ensure coordination and avoid duplication of effort.

Sec. 45. RCW 47.05.030 and 2005 c 319 s 9 are each amended to read as follows:

The transportation commission shall ~~((adopt))~~ develop a comprehensive ten-year investment program specifying program

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objectives and performance measures for the preservation and improvement programs defined in this section. The adopted ten-year investment program must be forwarded as a recommendation to the governor and the legislature, and is subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. ~~((The investment program must be revised based on directions by the office of financial management.))~~ The investment program must be based upon the needs identified in the state-owned highway component of the statewide comprehensive transportation plan ~~((as defined in RCW 47.01.071(3))).~~

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

~~((The transportation commission shall approve and present the comprehensive ten-year investment program to the governor and the legislature as directed by the office of financial management.))~~

Sec. 46. RCW 47.05.035 and 2005 c 319 s 10 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In

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making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(c) The continuity of future transportation development with those improvements previously programmed; and

(d) The availability of dedicated funds for a specific type of work.

(5) The ~~((commission shall review the results of the department's findings and shall consider those))~~ department shall consider the findings in this section in the development of the ten-year investment program.

Sec. 47. RCW 47.05.051 and 2005 c 319 s 11 are each amended to read as follows:

~~((+))~~ The comprehensive ten-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide ~~((multimodal))~~ comprehensive transportation plan ~~((as defined in RCW 47.01.071(4)))~~ and priority selection systems that incorporate the following criteria:

~~((+))~~ (1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((+))~~ (a) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- ~~((+))~~ (i) Life-cycle cost analysis;
- ~~((+))~~ (ii) Traffic volume;
- ~~((+))~~ (iii) Subgrade soil conditions;
- ~~((+))~~ (iv) Environmental and weather conditions;
- ~~((+))~~ (v) Materials available; and
- ~~((+))~~ (vi) Construction factors;

~~((+))~~ (b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

~~((+))~~ (c) Minimizing life-cycle costs. ~~((The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the ten-year program.~~

~~((+))~~ (2) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

~~((+))~~ (a) Traffic congestion, delay, and accidents;

~~((+))~~ (b) Location within a heavily traveled transportation corridor;

~~((+))~~ (c) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

~~((+))~~ (d) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

~~((+))~~ (3) Priority programming for the improvement program may also take into account:

~~((+))~~ (a) Support for the state's economy, including job creation and job preservation;

~~((+))~~ (b) The cost-effective movement of people and goods;

~~((+))~~ (c) Accident and accident risk reduction;

~~((+))~~ (d) Protection of the state's natural environment;

~~((+))~~ (e) Continuity and systematic development of the highway transportation network;

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~~((vii))~~ (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

~~((A))~~ (i) Support for development in and revitalization of existing downtowns;

~~((B))~~ (ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

~~((C))~~ (iii) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

~~((D))~~ (iv) Opportunities for multimodal transportation; and

~~((E))~~ (v) Extent to which the project accommodates planned growth and economic development;

~~((vi))~~ (g) Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((viii))~~ (h) Public views concerning proposed improvements;

~~((ix))~~ (i) The conservation of energy resources;

~~((x))~~ (j) Feasibility of financing the full proposed improvement;

~~((xi))~~ (k) Commitments established in previous legislative sessions;

~~((xii))~~ (l) Relative costs and benefits of candidate programs.

~~((d)) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~(c) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~(2) The commission may depart from the priority programming established under subsection (1) of this section:~~

~~(a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.~~

~~(3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.)~~

Sec. 48. RCW 47.29.010 and 2005 c 317 s 1 are each amended to read as follows:

(1) The legislature finds that the public-private ~~((transportation))~~ transportation initiatives act created under chapter 47.46 RCW has not met the needs and expectations of the public or private sectors for the development of transportation projects. The legislature intends to phase out chapter 47.46 RCW coincident with the completion of the Tacoma Narrows Bridge - SR 16 public-private partnership. From July 24, 2005, this chapter will provide a more desirable and effective approach to developing transportation projects in partnership with the private sector by applying lessons learned from other states and from this state's ten-year experience with chapter 47.46 RCW.

(2) It is the legislature's intent to achieve the following goals through the creation of this new approach to public-private partnerships:

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(a) To provide a well-defined mechanism to facilitate the collaboration between public and private entities in transportation;

(b) To bring innovative thinking from the private sector and other states to bear on public projects within the state;

(c) To provide greater flexibility in achieving the transportation projects; and

(d) To allow for creative cost and risk sharing between the public and private partners.

(3) The legislature intends that the powers granted in this chapter to the commission or department are in addition to any powers granted under chapter 47.56 RCW.

(4) It is further the intent of the legislature that ~~((the commission shall be responsible for receiving, reviewing, and approving proposals with technical support of the department; rule making; and for oversight of contract execution. The department shall be responsible for evaluating proposals and negotiating contracts))~~ an expert review panel be established for each project developed under this act. Expert review panels shall be responsible for reviewing selected proposals, analyzing and reviewing tentative agreements, and making recommendations to the governor and the transportation commission on the advisability of executing agreements under this act.

NEW SECTION. Sec. 49. A new section is added to chapter 47.29 RCW to read as follows:

(1) The department shall establish an expert review panel to review, analyze, and make recommendations to the governor and the transportation commission on whether to approve, reject, or continue negotiations on a proposed project agreement under this chapter. The department shall provide staff to support the expert review panel, if requested by the panel. The expert review panel may utilize any of the consultants under contract for the department, and the expert review panel may contract for consulting expertise in specific areas as it deems necessary to ensure a thorough and critical review of any proposed project agreement.

(2) The governor shall appoint members of an expert review panel that have experience in large capital project delivery, public-private partnerships, public financing of infrastructure improvements, or other areas of expertise that will benefit the panel. The panel shall consist of no less than three, but no more than five members, as determined by the governor.

NEW SECTION. Sec. 50. A new section is added to chapter 47.29 RCW to read as follows:

Upon receiving the recommendations of the expert review panel as provided in section 49 of this act, and upon consultation with the governor, the transportation commission shall either execute the proposed project agreement, reject the proposed project agreement, or continue further negotiations between the state and a private partner. The execution of any agreement or the rejection of any agreement shall constitute a final action for legal or administrative purposes.

NEW SECTION. Sec. 51. The following acts or parts of acts are each repealed:

1. RCW 44.75.010 (Intent) and 2003 c 362 s 1;
2. RCW 44.75.020 (Definitions) and 2005 c 319 s 16 & 2003 c 362 s 2;
3. RCW 44.75.030 (Board created--Membership) and 2005 c 319 s 17 & 2003 c 362 s 3;
4. RCW 44.75.040 (Procedures, compensation, support) and 2005 c 319 s 18 & 2003 c 362 s 4;
5. RCW 44.75.050 (Reviews of transportation-related agencies) and 2005 c 319 s 19 & 2003 c 362 s 5;
6. RCW 44.75.060 (Review methodology) and 2003 c 362 s 6;
7. RCW 44.75.070 (Scope of reviews) and 2003 c 362 s 7;
8. RCW 44.75.080 (Direction of audit) and 2005 c 319 s 20 & 2003 c 362 s 8;
9. RCW 44.75.090 (Professional experts) and 2005 c 319 s 21 & 2003 c 362 s 9;

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- 10. RCW 44.75.100 (Audit reports) and 2005 c 319 s 22 & 2003 c 362 s 10;
- 11. RCW 44.75.110 (Scope of audit) and 2005 c 319 s 23 & 2003 c 362 s 11;
- 12. RCW 44.75.120 (Contents of report) and 2005 c 319 s 24 & 2003 c 362 s 12;
- 13. RCW 44.75.800 (Department of transportation audit) and 2003 c 362 s 15;
- 14. RCW 44.75.900 (Captions--2003 c 362) and 2003 c 362 s 18; and
- 15. RCW 44.75.901 (Effective date--2003 c 362) and 2003 c 362 s 19.

NEW SECTION. **Sec. 52.** This act takes effect July 1, 2006."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800.

Senators Haugen and Mulliken spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6800 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Benton and Finkbeiner - 2

Excused: Senators Deccio, Johnson, McCaslin and Oke - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth

order of business.

INTRODUCTION AND FIRST READING

SCR 8425 by Senators Brown and Hewitt

Returning bills to their house of origin.

SCR 8426 by Senators Eide and Esser

Adjourning SINE DIE.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8425 and Senate Concurrent Resolution No. 8426 were placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8425, by Senators Brown and Hewitt

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8425 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8425.

MOTION

On motion of Senator Schoesler, Senator Benton was excused.

SENATE CONCURRENT RESOLUTION NO. 8425 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8426, by Senators Eide and Esser

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8426 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

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The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8426.

SENATE CONCURRENT RESOLUTION NO. 8426 was adopted by voice vote.

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8425 and Senate Concurrent Resolution No. 8426 were immediately transmitted to the House of Representatives.

MOTION

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

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8739

By Senators Spanel and Honeyford

WHEREAS, The 2006 Regular Session of the Fifty-ninth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2006 Regular Session of the Fifty-ninth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2006 Regular Session of the Fifty-ninth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by

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sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

Senator Spanel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8739.

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

MOTION

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2688, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Lovick, Kenney, Quall, Simpson, Ormsby, Moeller and Ericks).

Addressing the law enforcement officers' and fire fighters' retirement system plan 1.

The bill was read on Third Reading.

Senators Fraser, Delvin and Brandland spoke in favor of passage of the bill.

Senator Mulliken spoke against passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2688.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2688 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 6; Absent, 3; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Zarelli - 34

Voting nay: Senators Honeyford, Morton, Mulliken, Parlette, Pflug and Stevens - 6

Absent: Senators Hargrove, Jacobsen and Weinstein - 3

Excused: Senators Deccio, Finkbeiner, Johnson, McCaslin, Oke and Roach - 6

SUBSTITUTE HOUSE BILL NO. 2688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, all measures on the second and third reading calendars and measures held at the desk were referred to the Committee on Rules.

PERSONAL PRIVILEGE

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

Senator Rasmussen: "My point of personal privilege concerns the 59th day and ladies and gentlemen of the Senate, the last time, for you that are youngsters, the last time this body adjourned in 59 days. Can anybody tell me outside of Mr. President? Actually, the Speaker of the House was Wayne Ehlers and I happen to have taken his place in '86, in the election of '86 but it was in the session of '86 that you adjourned Sine Die in 59 days. That was over twenty years ago and so Senator Haugen was here and I'm sure you to Mr. President, remembers. I think this is an historic day. We ought to remember that this isn't the first time we have adjourned in 59 days but it is, it has, it's been twenty years and at this time I would also like to say that it was a job well done, well done. Thank you Mr. President and thank you Governor and thank you colleagues."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, I'd just like to remind the good lady that it was because we were so congenial this year and let you get done on time. We could of actually shut this place down and we would have been here until Thursday night."

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President and colleagues. Well, we are drawing to the end of the session and I just have to say that's it's been a great experience. We have had several victories working across the aisle. We haven't agreed on everything, but we've tried to disagree in a fairly agreeable manner and we've tried to keep the business of the people of Washington State moving forward. I think we've mostly been successful at that. I can't leave here tonight without really offering a tribute and an incredible vote of confidence and thanks to the floor leader. The floor leader this year, Senator Tracy Eide, had an incredible task because we all know how activist we were, introducing more measures here and across the rotunda and moving those measures through this body with it's decorum and it's process and it's personalities can sometimes be very challenging and she did an incredible job. It just so happens that we are going to Sine Die on International Women's Day and I want to wish you all a happy International Women's Day which is a national holiday in many countries and I've distributed on the desk the informal anthem of International Women's Day which is the song 'Bread and Roses' and it just so happens the Floor Leader and I do have roses on our desk. We hope that we've also helped the people of Washington State to better earn their daily bread especially our children and if you'll read the lyrics of the song, I think you'll see why. And if I could just read a few lines Mr. President? Thank you. 'As we come marching, marching we battle for men for they are women's children and we mother them again. Our lives shall not be sweated from birth until life closes, hearts starve as well as bodies, give us bread, but give us roses.'"

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Well, the wonderful Majority Leader from the 3rd legislative district beat me to it. I was just going to remind the body that it International Women's Day and I would like to remind everyone as well that, even though we now rank third, tied third in the country in terms in the percentage of women legislators among all legislatures, we're

about thirty-three and half percent we did rank the highest in the country, from 1992 through 2003 and had the highest in the history of the country at just under forty-one percent. The national average is about twenty-two percent. We also are the only state that has a woman as Governor and also our two United States Senators are women. We have a lot to be proud of and I look forward to coming back next year with even a higher percentage of women in the legislature. Thank you Mr. President."

PARLIAMENTARY INQUIRY

Senator Delvin: "Earlier tonight I was off in the wings negotiating some last minute legislation stuff to help us get out of here and you were talking about someone had to provide pants and jackets. I just wanted to know, because I'll give five dollars. Is it a fund to buy you pants when you show up here sometimes without pants? It's for you or the pages? I couldn't quite clearly understand that. If you could answer, I'd certainly be willing to donate to that fund."

REPLY BY THE PRESIDENT

President Owen: "Go ahead and donate to the fund, I'll talk about it later."

PERSONAL PRIVILEGE

Senator Pridemore: "Just two points, if we don't get a move on we're going to have to suspend the rule 15 for a second night in a row. Second, there will be a male caucus meeting immediately, bring your blue books."

PERSONAL PRIVILEGE

Senator Kline: "Well, since we've had a rousing chorus of 'Bread and Roses' I thought I might also read another poem. Ok, I won't."

REPLY BY THE PRESIDENT

President Owen: "The President believes that your poems are something like resolutions, one a day is all that's allowed without a suspension of the rules and I'm gambling, I wouldn't gamble on you getting it."

PERSONAL PRIVILEGE

Senator McAuliffe: "Mr. President, you don't have your top ten this year?"

REPLY BY THE PRESIDENT

President Owen: "I don't have my top ten, I did have a couple here though but I wasn't sure what the mood was so....I do have my annual 'I did not intend to speak on this' award which of course once again is one by the champion of 'I did not intend to speak on this'! Senator Brandland. I've got a new one this year and that is the you know, as people come rushing in off the wings to vote. I have the 'Fastest per square inch' and that, of course, is Senator Doumit. That's all I got this year, that I'm going to share with you anyway. I would ask that Senator Weinstein, if he's here, to quit hanging on the curtains though. The only person I've ever seen do that is my grandson when he comes running."

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2668,
- SUBSTITUTE HOUSE BILL NO. 2778,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
- SUBSTITUTE HOUSE BILL NO. 1523,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
- HOUSE BILL NO. 2409,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507,
- SUBSTITUTE HOUSE BILL NO. 2569,
- SUBSTITUTE HOUSE BILL NO. 2576,
- SECOND SUBSTITUTE HOUSE BILL NO. 2583,
- HOUSE BILL NO. 2612,
- SUBSTITUTE HOUSE BILL NO. 2640,
- HOUSE BILL NO. 2644,
- HOUSE BILL NO. 2671,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673,
- SECOND SUBSTITUTE HOUSE BILL NO. 2799,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871,
- SUBSTITUTE HOUSE BILL NO. 2880,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
- SECOND SUBSTITUTE HOUSE BILL NO. 3070,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079,
- SECOND SUBSTITUTE HOUSE BILL NO. 3115,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127,
- ENGROSSED HOUSE BILL NO. 3159,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316,
- HOUSE BILL NO. 3317,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
- SUBSTITUTE HOUSE BILL NO. 1523,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
- HOUSE BILL NO. 2409,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507,
- SUBSTITUTE HOUSE BILL NO. 2569,
- SUBSTITUTE HOUSE BILL NO. 2576,
- SECOND SUBSTITUTE HOUSE BILL NO. 2583,
- HOUSE BILL NO. 2612,
- SUBSTITUTE HOUSE BILL NO. 2640,
- HOUSE BILL NO. 2644,
- HOUSE BILL NO. 2671,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673,
- SECOND SUBSTITUTE HOUSE BILL NO. 2799,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871,
- SUBSTITUTE HOUSE BILL NO. 2880,

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
- SECOND SUBSTITUTE HOUSE BILL NO. 3070,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079,
- SECOND SUBSTITUTE HOUSE BILL NO. 3115,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127,
- ENGROSSED HOUSE BILL NO. 3159,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316,
- HOUSE BILL NO. 3317,

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:

- SENATE CONCURRENT RESOLUTION NO. 8425,
- SENATE CONCURRENT RESOLUTION NO. 8426,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

- ENGROSSED SENATE BILL NO. 5179,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
- ENGROSSED SENATE BILL NO. 5330,
- SUBSTITUTE SENATE BILL NO. 5654,
- SUBSTITUTE SENATE BILL NO. 6144,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
- SECOND SUBSTITUTE SENATE BILL NO. 6193,
- ENGROSSED SENATE BILL NO. 6194,
- SUBSTITUTE SENATE BILL NO. 6196,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239,
- SUBSTITUTE SENATE BILL NO. 6257,
- SUBSTITUTE SENATE BILL NO. 6323,
- SUBSTITUTE SENATE BILL NO. 6325,
- SECOND SUBSTITUTE SENATE BILL NO. 6326,
- SUBSTITUTE SENATE BILL NO. 6330,
- SUBSTITUTE SENATE BILL NO. 6365,
- SENATE BILL NO. 6368,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
- SUBSTITUTE SENATE BILL NO. 6528,
- SUBSTITUTE SENATE BILL NO. 6533,
- SUBSTITUTE SENATE BILL NO. 6540,
- SENATE BILL NO. 6541,
- SUBSTITUTE SENATE BILL NO. 6552,
- SUBSTITUTE SENATE BILL NO. 6618,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6635,
- SUBSTITUTE SENATE BILL NO. 6671,
- SUBSTITUTE SENATE BILL NO. 6676,
- SENATE BILL NO. 6731,
- ENGROSSED SENATE BILL NO. 6741,
- SUBSTITUTE SENATE BILL NO. 6775,
- SENATE BILL NO. 6826,
- SUBSTITUTE SENATE BILL NO. 6851,

SIGNED BY THE PRESIDENT

The President signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
- SUBSTITUTE SENATE BILL NO. 6512,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581,
- SUBSTITUTE SENATE BILL NO. 6874,
- SENATE CONCURRENT RESOLUTION NO. 8425,

FIFTY-NINTH DAY, MARCH 8, 2006
SENATE CONCURRENT RESOLUTION NO. 8426,

2006 REGULAR SESSION

MESSAGE FROM THE HOUSE

MESSAGE FROM THE HOUSE

March 8, 2006

March 8, 2006

MR. PRESIDENT:
The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed.
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6175,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
SENATE BILL NO. 6415,
SUBSTITUTE SENATE BILL NO. 6519,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
SUBSTITUTE SENATE BILL NO. 6597,
SENATE BILL NO. 6680,
SUBSTITUTE SENATE BILL NO. 6686,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6787,
SECOND SUBSTITUTE SENATE BILL NO. 6793,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,
ENGROSSED SENATE CONCURRENT RESOLUTION
NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8423,

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 6197,
SUBSTITUTE SENATE BILL NO. 6287,
SUBSTITUTE SENATE BILL NO. 6362,
SECOND SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6806,

MESSAGE FROM THE HOUSE

March 7, 2006

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
ENGROSSED SENATE BILL NO. 5330,
SUBSTITUTE SENATE BILL NO. 5654,
SUBSTITUTE SENATE BILL NO. 6144,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6175,
SECOND SUBSTITUTE SENATE BILL NO. 6193,
ENGROSSED SENATE BILL NO. 6194,
SUBSTITUTE SENATE BILL NO. 6196,
SECOND SUBSTITUTE SENATE BILL NO. 6197,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6239,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6287,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 6323,
SUBSTITUTE SENATE BILL NO. 6325,
SECOND SUBSTITUTE SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6362,
SUBSTITUTE SENATE BILL NO. 6365,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
SENATE BILL NO. 6368,
SENATE BILL NO. 6415,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6512,
SUBSTITUTE SENATE BILL NO. 6519,
SUBSTITUTE SENATE BILL NO. 6528,
SUBSTITUTE SENATE BILL NO. 6540,
SENATE BILL NO. 6541,
SUBSTITUTE SENATE BILL NO. 6552,
SECOND SUBSTITUTE SENATE BILL NO. 6558,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6581,
SUBSTITUTE SENATE BILL NO. 6597,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 6618,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6630,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6635,
SUBSTITUTE SENATE BILL NO. 6671,
SUBSTITUTE SENATE BILL NO. 6676,
SENATE BILL NO. 6680,
SUBSTITUTE SENATE BILL NO. 6686,
SENATE BILL NO. 6731,
ENGROSSED SENATE BILL NO. 6741,
SUBSTITUTE SENATE BILL NO. 6775,
SECOND SUBSTITUTE SENATE BILL NO. 6793,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
SUBSTITUTE SENATE BILL NO. 6806,
SENATE BILL NO. 6826,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,
SUBSTITUTE SENATE BILL NO. 6851,
SUBSTITUTE SENATE BILL NO. 6874,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 2688,
SUBSTITUTE HOUSE BILL NO. 2778,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

- SUBSTITUTE HOUSE BILL NO. 2688,
- SUBSTITUTE HOUSE BILL NO. 2778,

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8425, the following House Bills were returned to the House of Representatives:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071
- SUBSTITUTE HOUSE BILL NO. 1120,
- HOUSE BILL NO. 1131,
- HOUSE BILL NO. 1145,
- HOUSE BILL NO. 1184,
- ENGROSSED HOUSE BILL NO. 1276,
- SUBSTITUTE HOUSE BILL NO. 1279,
- HOUSE BILL NO. 1331,
- SUBSTITUTE HOUSE BILL NO. 1341,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1343,
- SUBSTITUTE HOUSE BILL NO. 1348,
- SECOND SUBSTITUTE HOUSE BILL NO. 1359,
- HOUSE BILL NO. 1361,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1395,
- ENGROSSED HOUSE BILL NO. 1429,
- SECOND SUBSTITUTE HOUSE BILL NO. 1430,
- ENGROSSED HOUSE BILL NO. 1466,
- ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1484,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1488,
- SUBSTITUTE HOUSE BILL NO. 1614,
- HOUSE BILL NO. 1717,
- HOUSE BILL NO. 1742,
- HOUSE BILL NO. 1763,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,
- HOUSE BILL NO. 1813,
- THIRD SUBSTITUTE HOUSE BILL NO. 1815,
- SUBSTITUTE HOUSE BILL NO. 1827,
- SECOND SUBSTITUTE HOUSE BILL NO. 1834,
- ENGROSSED HOUSE BILL NO. 1849,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
- SUBSTITUTE HOUSE BILL NO. 1944,
- HOUSE BILL NO. 1964,
- SUBSTITUTE HOUSE BILL NO. 1986,
- SUBSTITUTE HOUSE BILL NO. 2219,
- SUBSTITUTE HOUSE BILL NO. 2325,
- HOUSE BILL NO. 2331,
- HOUSE BILL NO. 2332,
- SUBSTITUTE HOUSE BILL NO. 2335,
- SUBSTITUTE HOUSE BILL NO. 2337,
- SUBSTITUTE HOUSE BILL NO. 2339,
- SUBSTITUTE HOUSE BILL NO. 2341,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349,
- HOUSE BILL NO. 2358,
- HOUSE BILL NO. 2375,
- SUBSTITUTE HOUSE BILL NO. 2389,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2393,
- SUBSTITUTE HOUSE BILL NO. 2395,
- HOUSE BILL NO. 2398,
- SUBSTITUTE HOUSE BILL NO. 2401,
- SUBSTITUTE HOUSE BILL NO. 2404,
- SUBSTITUTE HOUSE BILL NO. 2405,

- HOUSE BILL NO. 2408,
- SUBSTITUTE HOUSE BILL NO. 2420,
- SECOND SUBSTITUTE HOUSE BILL NO. 2422,
- SUBSTITUTE HOUSE BILL NO. 2423,
- SUBSTITUTE HOUSE BILL NO. 2432,
- SUBSTITUTE HOUSE BILL NO. 2437,
- SUBSTITUTE HOUSE BILL NO. 2439,
- SUBSTITUTE HOUSE BILL NO. 2447,
- SUBSTITUTE HOUSE BILL NO. 2452,
- HOUSE BILL NO. 2453,
- SECOND SUBSTITUTE HOUSE BILL NO. 2462,
- SUBSTITUTE HOUSE BILL NO. 2463,
- ENGROSSED HOUSE BILL NO. 2478,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2489,
- SUBSTITUTE HOUSE BILL NO. 2493,
- SUBSTITUTE HOUSE BILL NO. 2495,
- SUBSTITUTE HOUSE BILL NO. 2527,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534,
- SUBSTITUTE HOUSE BILL NO. 2539,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,
- SUBSTITUTE HOUSE BILL NO. 2545,
- SUBSTITUTE HOUSE BILL NO. 2546,
- HOUSE BILL NO. 2551,
- SUBSTITUTE HOUSE BILL NO. 2563,
- HOUSE BILL NO. 2564,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
- SUBSTITUTE HOUSE BILL NO. 2571,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2574,
- HOUSE BILL NO. 2580,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582,
- HOUSE BILL NO. 2587,
- SUBSTITUTE HOUSE BILL NO. 2590,
- SUBSTITUTE HOUSE BILL NO. 2591,
- SECOND SUBSTITUTE HOUSE BILL NO. 2593,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,
- SECOND SUBSTITUTE HOUSE BILL NO. 2595,
- HOUSE BILL NO. 2597,
- SUBSTITUTE HOUSE BILL NO. 2601,
- HOUSE BILL NO. 2615,
- HOUSE BILL NO. 2622,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630,
- HOUSE BILL NO. 2632,
- HOUSE BILL NO. 2643,
- SECOND SUBSTITUTE HOUSE BILL NO. 2645,
- SUBSTITUTE HOUSE BILL NO. 2646,
- HOUSE BILL NO. 2655,
- SUBSTITUTE HOUSE BILL NO. 2656,
- SUBSTITUTE HOUSE BILL NO. 2658,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2668,
- SUBSTITUTE HOUSE BILL NO. 2669,
- HOUSE BILL NO. 2682,
- HOUSE BILL NO. 2687,
- SUBSTITUTE HOUSE BILL NO. 2689,
- HOUSE BILL NO. 2693,
- SUBSTITUTE HOUSE BILL NO. 2694,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706,
- HOUSE BILL NO. 2710,
- HOUSE BILL NO. 2717,
- HOUSE BILL NO. 2718,
- HOUSE BILL NO. 2720,
- SUBSTITUTE HOUSE BILL NO. 2733,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2738,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2740,
- SUBSTITUTE HOUSE BILL NO. 2749,
- HOUSE BILL NO. 2765,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2785,
- ENGROSSED HOUSE BILL NO. 2801,
- SUBSTITUTE HOUSE BILL NO. 2815,

FIFTY-NINTH DAY, MARCH 8, 2006

2006 REGULAR SESSION

HOUSE BILL NO. 2825,
 SUBSTITUTE HOUSE BILL NO. 2833,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842,
 SUBSTITUTE HOUSE BILL NO. 2843,
 SUBSTITUTE HOUSE BILL NO. 2846,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850,
 SUBSTITUTE HOUSE BILL NO. 2863,
 SUBSTITUTE HOUSE BILL NO. 2881,
 ENGROSSED HOUSE BILL NO. 2889,
 SUBSTITUTE HOUSE BILL NO. 2893,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2895,
 HOUSE BILL NO. 2900,
 SECOND SUBSTITUTE HOUSE BILL NO. 2912,
 SECOND SUBSTITUTE HOUSE BILL NO. 2914,
 SUBSTITUTE HOUSE BILL NO. 2934,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2942,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2943,
 SUBSTITUTE HOUSE BILL NO. 2946,
 HOUSE BILL NO. 2957,
 HOUSE BILL NO. 2960,
 SUBSTITUTE HOUSE BILL NO. 2979,
 HOUSE BILL NO. 2981,
 HOUSE BILL NO. 2983,
 SUBSTITUTE HOUSE BILL NO. 2989,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2998,
 SUBSTITUTE HOUSE BILL NO. 3003,
 HOUSE BILL NO. 3016,
 HOUSE BILL NO. 3028,
 HOUSE BILL NO. 3057,
 SUBSTITUTE HOUSE BILL NO. 3059,
 HOUSE BILL NO. 3073,
 HOUSE BILL NO. 3078,
 SUBSTITUTE HOUSE BILL NO. 3082,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3089,
 SUBSTITUTE HOUSE BILL NO. 3093,
 HOUSE BILL NO. 3099,
 SUBSTITUTE HOUSE BILL NO. 3102,
 HOUSE BILL NO. 3106,
 SUBSTITUTE HOUSE BILL NO. 3109,
 HOUSE BILL NO. 3111,
 HOUSE BILL NO. 3114,
 HOUSE BILL NO. 3157,
 HOUSE BILL NO. 3172,
 SUBSTITUTE HOUSE BILL NO. 3180,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3207,
 HOUSE BILL NO. 3215,
 HOUSE BILL NO. 3237,
 SUBSTITUTE HOUSE BILL NO. 3238,
 HOUSE BILL NO. 3258,
 HOUSE BILL NO. 3275,
 HOUSE BILL NO. 3285,
 SECOND SUBSTITUTE HOUSE BILL NO. 3287,
 SUBSTITUTE HOUSE BILL NO. 3293,
 ENGROSSED HOUSE BILL NO. 3310,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003,
 HOUSE JOINT MEMORIAL NO. 4026,
 HOUSE JOINT RESOLUTION NO. 4202,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,

ENGROSSED SENATE BILL NO. 5319,
 SENATE BILL NO. 5325,
 SENATE BILL NO. 5329,
 SECOND SUBSTITUTE SENATE BILL NO. 5333,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5360,
 ENGROSSED SENATE BILL NO. 5462,
 ENGROSSED SENATE BILL NO. 5527,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5551,
 ENGROSSED SENATE BILL NO. 5609,
 SUBSTITUTE SENATE BILL NO. 5611,
 SENATE BILL NO. 5636,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5849,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5913,
 SECOND ENGROSSED SENATE BILL NO. 6010,
 SUBSTITUTE SENATE BILL NO. 6025,
 SUBSTITUTE SENATE BILL NO. 6133,
 SENATE BILL NO. 6162,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,
 SUBSTITUTE SENATE BILL NO. 6171,
 SENATE BILL NO. 6187,
 SUBSTITUTE SENATE BILL NO. 6192,
 SECOND SUBSTITUTE SENATE BILL NO. 6195
 SUBSTITUTE SENATE BILL NO. 6201,
 SUBSTITUTE SENATE BILL NO. 6221,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6232,
 SUBSTITUTE SENATE BILL NO. 6262,
 SUBSTITUTE SENATE BILL NO. 6292,
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 SUBSTITUTE SENATE BILL NO. 6898,
 SENATE JOINT MEMORIAL NO. 8039,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION
 NO. 8417,
 SENATE CONCURRENT RESOLUTION NO. 8418,
 and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:
 Under the provisions of Senate Concurrent Resolution No. 8425, the following bills were returned to the Senate:
 SENATE BILL NO. 5106,
 SUBSTITUTE SENATE BILL NO. 5126,
 SUBSTITUTE SENATE BILL NO. 5141,
 ENGROSSED SENATE BILL NO. 5160,
 SUBSTITUTE SENATE BILL NO. 5318,

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2006

MR. PRESIDENT:

Under the provisions of Senate Concurrent Resolution No. 8425, the following bills were returned to the Senate:

SUBSTITUTE SENATE BILL NO. 6500,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Journal of the 59th Legislature be approved.

PARLIAMENTARY INQUIRY

Senator Benton: "A member of the Senate was attempting to be recognized before the motion was made and I believe was recognized and was temporarily waiting for the floor to clear as you had requested. Is it appropriate for another member of the Senate to interrupt with a motion while we're waiting for a member to be recognized?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, a motion to adjourn is always in order."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. Can the Senate adjourn Sine Die without the House adjourning simultaneously?"

REPLY BY THE PRESIDENT

President Owen: "The Senate will adjourn Sine Die simultaneously with the House. The motion is pending."

PARLIAMENTARY INQUIRY

Senator Benton: "I move to lay the motion to adjourn Sine Die on the table."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the motion is not debatable. Your motion would be out of order."

At 9:11 p.m., on motion of Senator Eide, the 2006 Regular Session of the Fifty-ninth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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