SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY FIFTH DAY

House Chamber, Olympia, Monday, April 6, 2009

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Baylor Hahn and Joshua Vasquez. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Brian Wiehle, River Ridge Covenant Church.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4647, by Representatives Pettigrew, Hinkle, Hudgins, Warnick, Upthegrove, Sells, Johnson, Maxwell, Carlyle, Kenney, Dammeier, Hunt, White, Orcutt, Clibborn, Grant-Herriot, Appleton, Walsh, Sullivan, Smith, Seaquist, Chase, Conway, Driscoll, Finn, Hope, Kagi, Linville, McCoy, Nelson, Pearson, Quall, Roberts, and Taylor

WHEREAS, The National Consortium for Academics and Sports, whose mission is to create a better society by focusing on educational attainment and using the power and appeal of sport to positively affect social change, has celebrated National Student-Athlete Day on April 6th since 1987; and

WHEREAS, Many scholar-athletes have pursued excellence through postsecondary education opportunities while facing challenging circumstances; and

WHEREAS, Scholar-athletes serve as mentors who go beyond providing spectators with dreams and aspirations of becoming a successful athlete and lead by example by displaying that academic achievement is an admirable accomplishment that portends a promising future; and

WHEREAS, Anyone who has ever been discouraged while confronting obstacles or experiencing adversity knows the need for a mentor, hope, and inspiration, and scholar-athletes continue to positively influence others by virtue of illustrating what can be achieved through diligence and perseverance; and

WHEREAS, While scholar-athletes encourage people to dream, they set high standards with their ability to consistently meet rigorous athletic requirements while honoring the importance of education; and

WHEREAS, Maintaining a strong drive and dedication requires sacrifice and persistence that is deserving of recognition; and

WHEREAS, The following athletes have demonstrated the aforementioned tenants of an outstanding scholar-athlete: Alex Smyth, Chris Thomas, Bonnie Millard Berscheid, and Lilly Bourret from Eastern Washington University; Adam Bighill, Lynde Clarke, Tyler Fischer, Marcie Mullen, Erin Norris, Johnny Spevak, and Krissy Tandle from Central Washington University; Angel Stewart, John Levi III, Maddie Blevens, Annie Forman, Eric Jones, Matt Stalnik, Madeline Tuson-Turner, Aaron Schlund from The Evergreen State College; David Brittinen, Calin Schell, Jordan Welling, Anthony Zackery, Matt Zigulis, Gina Auriemma, Kylie Broadbent, Audrey Coon, Heidi Dimmitt, Christy Miller, and Tiana Roma from Western Washington University; Ryan Perkins, Rylan Hawkins, Tobias Obenaus, Kevin Spooner, Jill Collymore, Kristen Omori, Kelly Gilbert, Marisa Chang, and Brooke Anderson from the University of Washington; Jared Prince, Taylor Rochestie, Vaughn Lesuma, Jeshua Anderson, Katie Appleton, Sara Trane, Karin Brevick, and Lorraine King from Washington State University; Jami Schaefer, Evan Wells, Lori Conrad, Matt Berry, Emily Johnson, Anna Friedhoff, and Matt Bejar from Gonzaga University; Katie Hansen, Cassidy Murillo, Madison Collins, Maria Madeira, Austen Powers, Sean Rawson, Derek Rogalsky, and Doug Djang from Seattle University; Daniel Hibbard, Brian Erickson, Amy Spieker, Alexandria Miller, Lauren Meyer, Leif Hansen, James Crosetto, Chad Hall, Trinity Gibbons, and Casey Jackson from Pacific Lutheran University; Greg Bailey, Caitlin McGrane, Hilary Rice, Boone Freeman, Karen Chase, Colin Koach, and Fiona Gornick from the University of Puget Sound; Casey Reed, Jessica Pixler, Meredith Teague, Daesha Henderson, Benjamin Pliskin, Chad Meis, and Nicole Finley from Seattle Pacific University; Krinda Carlson, Amber Pratt, Dara Zack, Tucker Maxwell, Jamey Gelhar, Amy Dalzell, Jake Linton, Bill Richardson, John Eisentrout, and Kevin Jones from St. Martin's University; Dustin Miracle, Jonny Long, Greg Damazo, Isaac Lopez, Heather McFadden, Karen Wheeler, Amber Davin, and Jennifer Han from Walla Walla University; Kristen Mittelsteadt, Joe Johnson, Corina Gabbert, Alex Graves, Kristen Ballinger, and Sara McCune from Whitman College; Samantha Kephart, Scott Donnell, Ben Spaun, Miranda Cosand, Penelope Crowe, and Dan Sanders from Whitworth University; and Rachel Mitchell, Brittany Bowsher, Shauna Marshall, Andrea Cotton, Kyle Wall, Nathan Rheaume, Greg Peters, and Libby Hellwig from Northwest University;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize scholar-athletes at institutions of higher learning throughout the state of Washington for their ability to exhibit potential through athletic and academic achievement.

Representative Pettigrew moved adoption of House Resolution No. 4647.

Representatives Pettigrew, Hope and Hinkle spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4647 was adopted.

MESSAGE FROM THE SENATE

April 3, 2009

Mr. Speaker:

The Senate has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1030,
HOUSE BILL NO. 1121,
SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1155,
SUBSTITUTE HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1308,
HOUSE BILL NO. 1366,
HOUSE BILL NO. 1394,
HOUSE BILL NO. 1682,
SUBSTITUTE HOUSE BILL NO. 1730,
SUBSTITUTE HOUSE BILL NO. 1765,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2334 by Representative Dunshee

AN ACT Relating to creating jobs by funding construction of safety, health, and energy-saving improvements to public facilities; adding a new chapter to Title 43 RCW; creating new sections; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Capital Budget.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING SUSPENSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kohl-Welles, Kline and Keiser)

Prohibiting the sale or distribution of certain novelty lighters.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House.

MOTIONS

On motion of Representative Santos, Representatives Chase, Darneille and Dunshee were excused. On motion of Representative Hinkle, Representatives Rodne and Herrera were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House, and passed the House by the following vote: Yeas, 85; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Cox, DeBolt, Hinkle, Kirby, Orcutt and Ross.

Excused: Representatives Chase, Darneille, Dunshee, Herrera and Rodne.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5060, by Senator Jacobsen

Modifying provisions relating to the use of manufactured wine or beer.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5060, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5060, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy,

McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt, Ericksen and Goodman.

Excused: Representatives Chase, Darneille, Dunshee, Herrera and Rodne.

SENATE BILL NO. 5060, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5102, by Senators Hewitt, Delvin and Kline

Adding two district court judges in Benton county.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5102.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5102, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Ericksen.

Excused: Representatives Chase, Dunshee, Herrera and Rodne.

SENATE BILL NO. 5102, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5125, by Senators Hewitt and Kohl-Welles

Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5125.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5125, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

Excused: Representatives Dunshee, Herrera and Rodne.

SENATE BILL NO. 5125, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5147, by Senators Kline and Rockefeller

Repealing criminal libel statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5147.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5147, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

Excused: Representatives Herrera and Rodne.

SENATE BILL NO. 5147, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5153, by Senators Kline, Rockefeller and Shin

Creating the uniform foreign-country money judgments recognition act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5153, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5153, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt and Ericksen.

Excused: Representatives Herrera and Rodne.

SENATE BILL NO. 5153, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5160, by Senators Kline, McCaslin and Tom

Concerning service of notice from seizing law enforcement agencies.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5160, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5160, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt and Ericksen.

Excused: Representatives Herrera and Rodne.

SUBSTITUTE SENATE BILL NO. 5160, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5171, by Senate Committee on Judiciary (originally sponsored by Senators Kline and Rockefeller)

Modifying the Washington principal and income act of 2002.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5171, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt and Ericksen.

Excused: Representatives Herrera and Rodne.

SUBSTITUTE SENATE BILL NO. 5171, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5200, by Senator Brandland

Concerning marauding dogs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5200, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5200, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Herrera and Rodne.

ENGROSSED SENATE BILL NO. 5200, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

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

REPORTS OF STANDING COMMITTEES

April 3, 2009

HB 1216 Prime Sponsor, Representative Dunshee: Adopting a 2009-2011 capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake; Chase; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

April 3, 2009

HB 1272 Prime Sponsor, Representative Dunshee: Concerning state general obligation bonds and related accounts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

MINORITY recommendation: Do not pass. Signed by Representative Anderson.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 5354 Prime Sponsor, Senator Haugen: Regarding public hospital capital facility areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Local Government & Housing. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5401 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 3, 2009

HB 2315 Prime Sponsor, Representative Takko: Regarding forest fire protection assessment refunds. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 4, 2009

HB 2328 Prime Sponsor, Representative Linville: Reducing the administrative cost of state government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 5002 Prime Sponsor, Senator Jacobsen: Creating the Washington heritage livestock and poultry breed recognition program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5005 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding naturally raised beef cattle. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5042 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Providing a waiver of penalties for first-time paperwork violations by small businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Affairs. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5117 Prime Sponsor, Committee on Health & Long-Term Care: Establishing intensive behavior support

services. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 5120 Prime Sponsor, Senator Fairley: Regarding agricultural structures. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Local Government & Housing.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that permit and inspection fees for new agricultural structures should not exceed the direct and indirect costs associated with reviewing permit applications, conducting inspections, and preparing specific environmental documents.

Sec. 2. RCW 19.27.015 and 1996 c 157 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public;

(2) "City" means a city or town;

(((~~(2)~~))) (3) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units; and

(((~~(3)~~))) (4) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27 RCW to read as follows:

Permitting and plan review fees under this chapter for agricultural structures may only cover the costs to counties, cities, towns, and other municipal corporations of processing applications, inspecting and reviewing plans, preparing detailed statements required by chapter 43.21C RCW, and performing necessary inspections under this chapter.

Sec. 4. RCW 19.27.100 and 1975 1st ex.s. c 8 s 1 are each amended to read as follows:

Except for permitting fees for agricultural structures under section 3 of this act, nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code.

NEW SECTION. Sec. 5. (1) The state auditor, in accordance with RCW 43.09.470, must conduct a performance audit of the reasonableness of building and inspection fees permitted under RCW 82.02.020 that are imposed by counties. In completing the audit, the state auditor must include guidance on determining allowable costs, and methodologies for allocating costs to specific projects. The state auditor, when developing written cost allocation guidance, must consider variances in the sizes of local government entities.

(2) In completing the audit report required by this section, the state auditor must establish and consult with a county government advisory committee. The advisory committee must consist of members from county and city governments and other interested parties, as determined by the auditor.

(3) The state auditor must provide a final audit report to the appropriate committees of the house of representatives and the senate by December 1, 2009.

(4) Revenues from the performance audits of the government account created in RCW 43.09.475 must be used for the audit required by this section.

(5) This section expires July 1, 2011."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5138 Prime Sponsor, Committee on Ways & Means: Creating an integrated climate change response strategy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature recognizes that climate change poses a significant threat to Washington's economy, the health and welfare of its population, and its natural resources. Washington's water supply and natural resources are particularly vulnerable to temperature changes and shifts in precipitation patterns and could suffer devastating consequences if adaptive measures are not taken. Even with effective mitigation of climate changing activities, the region will experience inevitable impacts from climate change.

(2) The science and information on the effects and impacts of climate change is continually improving and this scientific information provides the basis for planning and developing preparation and adaptation actions for climate change to ensure the economic, health, safety, and environmental well-being of the state and its citizens. It is in the public interest for the state, as well as local government agencies actively engaged with climate adaptation, to address the effects of climate change and to be able to plan for future climate change impacts. These impacts will affect individuals, public and private businesses, state and local agencies, as well as natural resources and the environment.

(3) It is the purpose of this chapter to create an integrated climate change response strategy with prioritized and coordinated

climate change preparation and adaptation actions that state and local agencies, public and private businesses, tribes, and individuals can use to plan and prepare for the impacts of climate change through a collaborative process of on-going research, analysis, collection, and distribution of data and information. The development of the integrated climate change response strategy must complement existing adaptation initiatives being undertaken by local government agencies actively engaged with climate adaptation.

(4) The legislature recognizes that the effort required to assess, gather, and compile information and data to develop adaptation and preparation activities for an integrated climate change response strategy will take significant resources and time. The legislature also recognizes that the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation are uniquely positioned to address many of these issues given the mission of their respective agencies. Therefore, in an effort to reduce costs and streamline the process while achieving the goals of this chapter, the legislature designates the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation as leaders in assessing and gathering the necessary information and data to develop, in collaboration with local government agencies actively engaged with climate adaptation, a comprehensive, integrated, and coordinated climate change adaptation strategy.

NEW SECTION. Sec. 2. (1) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted within an agency, they must be shifted among current full-time equivalent allocations. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, shall develop an integrated climate change response strategy to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change.

(3) The department of ecology shall serve as a central clearinghouse for relevant scientific and technical information about the impacts of climate change on Washington state's ecology, economy, and society, as well as serve as a central convener for the development of vital programs and necessary policies to help the state adapt to a rapidly changing climate.

(4) The department of ecology shall consult and collaborate with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, in developing an integrated climate change response strategy and plans of actions to prepare for and adapt to climate change impacts.

(5) The department of fish and wildlife shall focus on issues relating to biodiversity, resiliency, and vulnerability of the natural environment, and other areas as requested by the department of ecology.

(6) The department of natural resources shall focus on the vulnerability and resiliency of forests, forest fires, and forest health.

(7) The department of transportation shall focus on gathering and assessing information relating to infrastructure projects, vulnerability of the built environment, and other concerns, as requested by the department of ecology.

(8) The department of agriculture shall focus on the impacts of new regulations on agricultural lands, crops, potential offset opportunities, and the economics of farm production.

(9) The department of community, trade, and economic development shall focus on issues relating to business activities, energy resources, trade and tourism, affordable housing, community facilities and public infrastructure, and support services for vulnerable populations.

However, the department of transportation's obligations under this section are subject to availability of amounts appropriated for the specific purpose identified in this section.

NEW SECTION. Sec. 3. (1) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may seek assistance from a science advisory group.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may consult with other state, federal, and local agencies that have expertise in matters relating to climate change, or information and data regarding impacts from climate change, as necessary to develop an integrated climate change response strategy.

(3) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation shall, to the extent possible, use teleconferencing for meetings and electronic messaging for gathering data and information to reduce meeting and travel expenditures.

NEW SECTION. Sec. 4. (1) The integrated climate change response strategy shall include recommendations conveyed and communicated so that policymakers, public and private businesses, and individuals can easily understand and recognize the implications of the climate change response strategy. The integrated climate change response strategy should address the impact of and adaptation to climate change, as well as the regional capacity to undertake actions, existing ecosystem and resource management concerns, and health and economic risks. In addition, the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation should include a range of scenarios for the purposes of planning in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to the impacts of climate change.

(2) The integrated climate change response strategy must include climate change preparation and adaptation actions that ensure collaborative and cooperative activities.

(a) By December 1, 2011, the department of ecology shall compile an initial climate change response strategy, including information and data from the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, as well as from local government agencies actively engaged with climate adaptation, that: Summarizes the best known science on climate change impacts to Washington; assesses Washington's vulnerability to the identified climate change impacts; prioritizes solutions that can be implemented within and across state agencies; and identifies recommended funding mechanisms and technical and other essential resources for implementing solutions.

(b) The initial strategy must include:

(i) Efforts to identify priority planning areas for action, based on vulnerability and risk assessments;

(ii) Barriers challenging state and local governments to take action, such as laws, policies, regulations, rules, and procedures that require revision to adequately address adaptation to climate change;

(iii) Opportunities to integrate climate science and projected impacts into planning and decision making; and

(iv) Methods to increase public awareness of climate change, its projected impacts on the community, and to build support for meaningful adaptation policies and strategies.

(c) The department of ecology shall, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, complete an initial climate impacts assessment report that includes the status of the integrated climate change response strategy and provide it to the appropriate committees of the legislature by December 1, 2012.

(3) By December 1, 2013, the department of ecology, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, must complete an integrated climate change response strategy, which must include:

(a) Adaptation plans of action to address:

(i) Water resources;

(ii) Ocean and coastal resources;

(iii) Infrastructure requirements;

(iv) Biodiversity;

(v) Public health risks and consequences; and

(vi) Working landscapes, such as forest and agricultural lands.

(b) Information about the latest research and projects, such as:

(i) Risk assessment models and data, including evaluations of the consequences, magnitude, and probability of climate change impacts;

(ii) Comprehensive impact assessments that examine how climate change is likely to affect the natural environment and physical infrastructure, as well as the economic impacts on municipal and rural operations; and

(iii) Methods to strengthen community partnerships that reduce vulnerabilities and risks to climate change.

NEW SECTION. Sec. 5. (1) The science advisory group shall provide independent, nonrepresentational scientific advice to the department of ecology. The science advisory group members shall assist the department of ecology in: (a) Identifying the timing and extent of impacts from climate change; (b) assessing the effects of climate variability and change in the context of multiple interacting stressors or impacts; (c) developing forecasting models; (d) determining the resilience of the environment, natural systems, communities, and organizations to deal with potential or actual impacts of climate change and the vulnerability to which a natural or social system is susceptible to sustaining damage from climate change impacts; and (e) identifying other issues, as determined by the department of ecology, necessary to develop policies and actions for the integrated climate change response strategy.

(2) The chair of the science advisory group must be a scientist with recognized expertise in a field or fields of science essential to preparing for and adapting to climate change. The chair serves for a term of three years. The chair shall: (a) Select experts from scientific disciplines as needed to assist the department of ecology with developing an integrated climate change response strategy; and (b) coordinate the science advisory group activities to ensure the priorities and goals of the department of ecology are met.

(3) The governor or the governor's designee shall appoint the chair of the science advisory group or appoint a successor to assume the duties of the chair after the initial term.

(4) In establishing the science advisory group, the department of ecology shall request that the Washington academy of sciences provide a list of candidates to the chair of the science advisory group. The list of candidates should reflect the full range of scientific disciplines involved in climate change, including scientists associated with federal, state, and local agencies, tribes, business, agriculture, forestry, flood control, and environmental communities, colleges, and university communities. The chair of the science advisory group may also seek advice from the scientific community to develop membership for the science advisory group.

NEW SECTION. Sec. 6. State agencies shall strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs. Agencies shall consider: The integrated climate change response strategy when designing, planning, and funding infrastructure projects; and incorporating natural resource adaptation actions and alternative energy sources when designing and planning infrastructure projects.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5172 Prime Sponsor, Committee on Higher Education & Workforce Development: Establishing a University of Washington center for human rights. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Higher Education.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) A University of Washington center for human rights is created. The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation. The center shall align with the founding principles and philosophies of the United States of America and engage faculty, staff, and students in service to enhance the promise of life and liberty as outlined in the Preamble

of the United States Constitution. Key substantive issues for the center include: The rights of all persons to security against violence; the rights of immigrants, native Americans, and ethnic or religious minorities; human rights and the environment; health as a human right; human rights and trade; the human rights of working people; and women's rights as human rights. State funds may not be used to support the center for human rights created in this section.

(2) The higher education coordinating board and the University of Washington may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION. Sec. 2. The University of Washington center for human rights shall report to the appropriate committees of the legislature by December 1, 2010, and biennially thereafter regarding the center's activities. The report shall include, but not be limited to, descriptions of the center's activities and accomplishments especially as they relate to: International human rights issues and community service; documentation of measurable accomplishments in improving outcomes in the issue areas outlined in section 1 of this act; and documentation of engagement with agencies and nongovernmental organizations outside of the University of Washington."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5262 Prime Sponsor, Committee on Judiciary: Allowing law enforcement access to driver's license photographs for the purposes of identity verification. (REVISED FOR ENGROSSED: Allowing law enforcement and court access to driver's license photographs for the purposes of identity verification.) Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety & Emergency Preparedness. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5270 Prime Sponsor, Committee on Government Operations & Elections: Modifying voter registration provisions. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on State Government & Tribal Affairs.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to read as follows:

An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility. Neither an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor a conviction for a misdemeanor or gross misdemeanor, is an "infamous crime."

Sec. 2. RCW 29A.04.109 and 2003 c 111 s 119 are each amended to read as follows:

"Overseas voter" means any elector of the state of Washington outside the territorial limits of the United States ((~~or the District of Columbia~~)).

Sec. 3. RCW 29A.04.163 and 2003 c 111 s 127 are each amended to read as follows:

"Service voter" means any elector of the state of Washington who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service, is a member of a reserve component of the armed forces, is a student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, ((~~is a program participant as defined in RCW 40.24.020,~~)) or is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

Sec. 4. RCW 29A.04.210 and 2003 c 111 s 133 are each amended to read as follows:

Except for service and overseas voters, only ((~~a~~)) persons registered ((~~voter~~)) to vote shall be permitted to vote:

(1) At any election held for the purpose of electing persons to public office;

(2) At any recall election of a public officer;

(3) At any election held for the submission of a measure to any voting constituency;

(4) At any primary election.

This section does not apply to elections where being registered to vote is not a prerequisite to voting.

Sec. 5. RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are each reenacted and amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;

(12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic facsimile;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

(26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

(30) Independent evaluations of voting systems;

(31) The testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;

(35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate ((~~out-of-state voters,~~)) overseas voters((~~,~~)) and service voters;

(37) The tabulation of paper ballots before the close of the polls;

(38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting during the early voting period to provide accessability for the blind or visually impaired;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; and

(54) Standards for the verification of signatures on absentee, mail, and provisional ballot envelopes.

Sec. 6. RCW 29A.08.010 and 2006 c 320 s 2 are each amended to read as follows:

((~~As used in this chapter: "Information required for voter registration" means~~)) (1) The minimum information provided on a voter registration application that is required ((~~by the county auditor~~))

in order to place a voter registration applicant on the voter registration rolls((. This information)) includes:

(((1))) (a) Name;

(((2))) (b) Residential address;

(((3))) (c) Date of birth;

(((4) Washington state driver's license number or Washington state identification card number, or the last four digits of the applicant's Social Security number if the applicant does not have a Washington state driver's license or Washington state identification card;

(5))) (d) A signature attesting to the truth of the information provided on the application; and

(((6))) (e) A check or indication in the box confirming the individual is a United States citizen.

(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address. A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence. A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence. ((If the postal service does not deliver mail to the voter's residential address, or the voter prefers to receive mail at a different address, the voter may separately provide the mailing address at which they receive mail. Any mailing address provided shall be used only for mail delivery purposes and not for precinct assignment or confirmation of residence for voter qualification purposes.

If the individual does not have a driver's license, state identification card, or Social Security number, the registrant must be issued a unique voter registration number in order to be placed on the voter registration rolls.))

(3) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

(4) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 7. RCW 29A.08.030 and 2005 c 246 s 3 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Identification notice" means a notice sent to a provisionally registered voter to confirm the applicant's identity.

(4) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

Sec. 8. RCW 29A.08.105 and 2004 c 267 s 105 are each amended to read as follows:

(1) In compliance with the Help America Vote Act (P.L. 107-252), the centralized statewide voter registration list maintained by the secretary of state is the official list of eligible voters for all elections.

(2) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. ((The auditor may appoint registration assistants to assist in registering persons residing in the county. Each registration assistant holds office at the pleasure of the county auditor and must be a registered voter.

(3) The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.))

Sec. 9. RCW 29A.08.107 and 2005 c 246 s 4 are each amended to read as follows:

(1) ((The secretary of state must review the information provided by each voter registration applicant to ensure that)) If the ((provided)) driver's license number, state identification card number, or last four digits of the Social Security number provided by the applicant match the information maintained by the Washington department of licensing or the Social Security administration, and the applicant provided all information required by RCW 29A.08.010, the applicant must be registered to vote. ((If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application within forty-five days, the applicant will not be registered to vote. The secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that the provided driver's license number, state identification card number, or last four digits of the applicant's Social Security number match existing records with the Washington department of licensing or the Social Security administration, or determined that the applicant does not have a driver's license number, state identification card number, or Social Security number may the applicant be placed on the official list of registered voters.

(4) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list, the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing.))

(2) If the driver's license number, state identification card number, or last four digits of the Social Security number provided by the applicant do not match the information maintained by the Washington department of licensing or the Social Security administration, or if the applicant does not provide a Washington driver's license, a Washington state identification card, or a Social

Security number, the applicant must be provisionally registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the Social Security number, or one of the following forms of alternate identification:

(a) Valid photo identification;

(b) A valid enrollment card of a federally recognized Indian tribe in Washington state;

(c) A copy of a current utility bill;

(d) A current bank statement;

(e) A copy of a current government check;

(f) A copy of a current paycheck; or

(g) A government document, other than a voter registration card, that shows both the name and address of the voter.

(3) The ballot of a provisionally registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a Social Security number that matches the information maintained by the Washington department of licensing or the Social Security administration, or until the voter provides alternate identification. The identification must be provided no later than the day before certification of the primary or election. If the voter provides one of the forms of identification in subsection (2) of this section, the voter's registration status must be changed from provisionally registered to registered.

(4) A provisional registration must remain on the official list of registered voters through at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration may be canceled.

(5) The requirements of this section do not apply to an overseas or service voter who registers to vote by signing the return envelope of an absentee ballot, or to a registered voter transferring his or her registration.

Sec. 10. RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read as follows:

(1) An application is considered complete only if it contains the ((~~applicant's name, complete valid residence address, date of birth, signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or is returned as undeliverable, the name of the applicant shall not be placed on the official list of registered voters. If the applicant provides the required verified information, the applicant shall be registered to vote as of the original date of mailing or date of delivery, whichever is applicable.~~

~~(2) If the information required in subsection (1) of this section is complete,~~)) information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within ((~~forty-five~~)) sixty days after the receipt of an application ((~~but no later than seven days before the next primary, special election, or general election~~)) or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(((~~(3)~~))) (2) If an ((~~acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice~~)) application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 11. RCW 29A.08.115 and 2005 c 246 s 8 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor ((~~at least once weekly~~)) within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor.

Sec. 12. RCW 29A.08.125 and 2005 c 246 s 9 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, the administrative office of the courts, and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations; and

(h) Provide for the cancellation of registrations of voters who have moved out of state.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a ((~~computer file containing a copy of each record~~)) list of all registered voters within the county that are contained on the official statewide voter registration list ((~~for that county~~)).

(((~~(2) The secretary of state shall at least quarterly review and update the records of all registered voters on the official statewide voter registration database to make additions and corrections.~~

~~(3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration,~~)) In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and ((~~the last date on~~)) a list of elections in which the individual voted.

(((~~(4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates.~~))

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

Sec. 13. RCW 29A.08.130 and 2003 c 111 s 210 are each amended to read as follows:

(((~~(1) Except as otherwise specified by this title, registered voters include those assigned to active and inactive status by the county auditor.~~

~~(2)~~)) Election officials shall not include inactive voters in the count of registered voters for the purpose of dividing precincts, creating vote-by-mail precincts, determining voter turnout, or other purposes in law for which the determining factor is the number of registered voters. Election officials shall not include persons who are ongoing absentee voters under RCW 29A.40.040 in determining the maximum permissible size of vote-by-mail precincts or in determining the maximum permissible size of precincts. Nothing in this ((~~subsection~~)) section may be construed as altering the vote tallying requirements of RCW 29A.60.230.

Sec. 14. RCW 29A.08.135 and 2004 c 267 s 111 are each amended to read as follows:

((~~The county auditor shall acknowledge each new voter registration or transfer by providing or sending the voter a card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state.~~)) (1) When a person who has previously registered to vote in another state applies for voter registration in Washington, the person shall provide on the registration form((~~,~~)) all information needed to cancel any previous registration. Notification must be made to the state elections office of the applicant's previous state of registration.

(2) A county auditor receiving official information that a voter has registered to vote in another state shall immediately cancel that voter's registration on the official state voter registration list.

Sec. 15. RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read as follows:

((~~The registration files of all precincts shall be closed against transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.~~))

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than twenty-nine days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election. A person registering under this subsection will be issued an absentee ballot.

(2) A person who is already registered to vote in Washington may update his or her registration no later than twenty-nine days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) Prior to each primary and general election, the county auditor shall give notice of the ((~~closing of the precinct files for transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145~~)) registration deadlines by one publication in a newspaper of general circulation in the county at least thirty-five days before the ((~~closing of the precinct files.~~

~~No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election and appears on the official statewide voter registration list. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145~~)) primary or general election.

Sec. 16. RCW 29A.08.210 and 2005 c 246 s 11 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

(1) The former address of the ((~~last former registration of the~~)) applicant ((~~as a voter in the state~~)) if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(7) The applicant's Washington state driver's license number ((~~or~~)), Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not

have a Washington state driver's license or Washington state identification card;

(8) ((~~A check box for the applicant to indicate that he or she does not have a Washington state driver's license, Washington state identification card, or Social Security number;~~

~~(9)~~)) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(((~~(10)~~)) (9) A check box allowing the applicant to confirm that he or she is at least eighteen years of age or will be eighteen years of age by the next election;

(((~~(11)~~)) (10) Clear and conspicuous language, designed to draw the applicant's attention, stating that the applicant must be a United States citizen in order to register to vote;

(((~~(12)~~)) (11) A check box and declaration confirming that the applicant is a citizen of the United States;

(((~~(13)~~)) (12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(((~~(14) The following affirmation by the applicant:~~

~~"By signing this document, I hereby assert, under penalty of perjury, that I am legally eligible to vote. If I am found to have voted illegally, I may be prosecuted and/or fined for this illegal act. In addition, I hereby acknowledge that my name and last known address will be forwarded to the appropriate state and/or federal authorities if I am found to have voted illegally."~~

~~(15)~~)) (13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

(((~~(16)~~)) (14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

((~~If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The applicant may not be registered until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the applicant shall not be registered to vote.~~))

Sec. 17. RCW 29A.08.230 and 2003 c 111 s 218 are each amended to read as follows:

For all voter registrations, the registrant shall sign the following oath:

> "I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied ((~~my civil rights~~)) the right to vote as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days immediately before the next election at which I vote, and I will be at least eighteen years old when I vote."

Sec. 18. RCW 29A.08.260 and 2004 c 267 s 118 are each amended to read as follows:

The county auditor shall distribute forms by which a person may register to vote by mail and transfer any previous registration in this state. The county auditor shall keep a supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

Sec. 19. RCW 29A.08.310 and 2003 c 111 s 222 are each amended to read as follows:

(1) The governor, in consultation with the secretary of state, shall designate agencies to provide voter registration services in compliance with federal statutes.

(2) Each state agency designated shall provide voter registration services for employees and the public within each office of that agency.

(3) The secretary of state shall design and provide a standard notice informing the public of the availability of voter registration, which notice shall be posted in each state agency where such services are available.

(4) ((~~The secretary of state shall design and provide standard voter registration forms for use by these state agencies.~~

~~(5)~~)) Each institution of higher education shall put in place an active prompt on its course registration web site, or similar web site that students actively and regularly use, that, if selected, will link the student to the secretary of state's voter registration web site. The prompt must ask the student if he or she wishes to register to vote.

Sec. 20. RCW 29A.08.330 and 2005 c 246 s 14 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or transfer his or her voter registration by asking the following question:

> "Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the service agent shall ask the following:

> (a) "Are you a United States citizen?"
> (b) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant

answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall ((~~provide for the voter registration application forms to be collected from each agency office at least once each week. The agency shall then forward the application forms to the secretary of state each week. The secretary of state shall forward the forms to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were received by the secretary of state~~)) transmit the applications to the secretary of state or appropriate county auditor within three business days.

Sec. 21. RCW 29A.08.350 and 2004 c 267 s 120 are each amended to read as follows:

(((~~(1) The secretary of state shall provide for the voter registration forms submitted under RCW 29A.08.340 to be collected from each driver's licensing facility within five days of their completion.~~

~~(2)~~)) The department of licensing shall produce and transmit to the secretary of state ((~~a machine-readable file containing~~)) the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility ((~~during each period for which forms are transmitted under subsection (1) of this section~~)): The name, address, date of birth, gender of the applicant, the driver's license number, and the date on which the application for voter registration or transfer was submitted((~~, and the location of the office at which the application was submitted~~)). The secretary of state shall process the registrations and transfers as an electronic application.

(((~~(3) The voter registration forms from the driver's licensing facilities must be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected.~~

~~(4) For a voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state shall amend the record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.~~

~~(5) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county may be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.~~

~~(6) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions no later than ten days after the date on which that information was to be transmitted under subsection (1) of this section.~~))

Sec. 22. RCW 29A.08.410 and 2003 c 111 s 228 are each amended to read as follows:

((~~To maintain a valid voter registration,~~)) A registered voter who changes his or her residence from one address to another within the same county ((~~shall~~)) may transfer his or her registration to the new address in one of the following ways:

(1) Sending ((~~to~~)) the county auditor a ((~~signed~~)) request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and ((~~signing~~)) making such a request;

(3) ((~~transferring the registration in the manner provided by RCW 29A.08.430; or~~

~~(4)~~)) Telephoning or e-mailing the county auditor to transfer the registration((~~. The telephone call transferring a registration by telephone must be received by the auditor before the precinct registration files are closed to new registrations for the next primary or special or general election in which the voter participates~~)); or

(4) Submitting a voter registration application.

Sec. 23. RCW 29A.08.420 and 2004 c 267 s 122 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so ((~~in writing using a prescribed~~)) by submitting a voter registration form. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 24. RCW 29A.08.430 and 2004 c 267 s 123 are each amended to read as follows:

(1) A ((~~person who is~~)) registered ((~~to vote in this state~~)) voter may submit a transfer of his or her voter registration on the day of a primary, special election, or general election ((~~or primary under the following procedures:~~

~~(a) The voter may complete, at the polling place,~~)) by completing a voter registration form ((~~designed by the secretary of state and supplied by the county auditor; or~~

~~(b) For a change within the county, the voter may write in his or her new residential address in the precinct list of registered voters.~~

~~The county auditor shall determine which of these two procedures are to be used in the county or may determine that both procedures are to be available to voters for use in the county~~)).

(2) A voter who requests to transfer((~~s~~)) his or her registration ((~~in the manner authorized by this section~~)) after the deadlines established in RCW 29A.08.140 shall vote in the precinct in which he or she was previously registered.

(((~~(3) The auditor shall, within sixty days, mail to each voter who has transferred a registration under this section, an acknowledgement notice detailing his or her current precinct and polling place.~~))

Sec. 25. RCW 29A.08.440 and 2003 c 111 s 231 are each amended to read as follows:

((~~To maintain a valid voter registration, a person~~)) A registered voter who changes his or her name shall notify the county auditor regarding the name change ((~~in one of the following ways: (1) By sending the auditor~~)) by submitting a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence((~~. Such a notice must be signed by the voter using both this former name and the voter's new name; (2) by appearing in person before the auditor or a registration assistant and signing such a change-of-name notice; (3) by signing such a change-of-name notice at the voter's precinct polling place on the day of a primary or special or general election; (4) by properly executing a name change on a mail-in~~)), and providing a signature of the new name, or by submitting a voter registration application ((~~or a prescribed state agency application~~)).

A properly registered voter who files a change-of-name notice at the voter's precinct polling place during a primary or election and who desires to vote at that primary or election shall sign the poll book using the voter's former and new names ((~~in the same manner as is required for the change-of-name notice~~)).

Sec. 26. RCW 29A.08.510 and 2004 c 267 s 124 are each amended to read as follows:

((~~In addition to case-by-case maintenance under RCW 29A.08.620 and 29A.08.630 and the general program of maintenance of voter registration lists under RCW 29A.08.605,~~)) The registrations of deceased voters ((~~will~~)) may be canceled from voter registration lists as follows:

(1) Periodically, the registrar of vital statistics of the state shall prepare a list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the list to the secretary of state.

The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters ((~~within at least forty-five days before the next primary or election~~)).

(2) In addition, each county auditor may also use government agencies and newspaper obituary articles as a source of information ((~~in order to cancel a voter's registration from the official state voter registration list~~)) for identifying deceased voters and canceling a registration. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the ((~~obituary~~)) information in the cancellation records.

(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration ((~~records concerned~~)) from the official state voter registration list.

Sec. 27. RCW 29A.08.520 and 2005 c 246 s 15 are each amended to read as follows:

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. ((~~Additionally,~~))

(2) The secretary of state in conjunction with the department of corrections, ((~~the Washington state patrol,~~)) the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list. If a ((~~person~~)) registered voter is found on a ((~~felon~~)) reliable list ((~~and the statewide voter registration list~~)) of felons who are ineligible to vote, the secretary of state or county auditor shall confirm the match through a name and date of birth comparison and suspend the voter registration from the official state voter registration list. The ((~~canceling authority~~)) secretary of state shall send to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote once all terms of sentencing have been completed. If the person does not respond within thirty days, the registration must be canceled.

(((~~(2)~~))) (3) The right to vote may be restored by, for each felony conviction, one of the following:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Sec. 28. RCW 29A.08.610 and 2004 c 267 s 129 are each amended to read as follows:

((~~In addition to the case-by-case cancellation procedure required in RCW 29A.08.420,~~)) The secretary of state((~~,~~)) shall conduct an ongoing list maintenance program designed to detect persons registered in more than one county or voting in more than one county in an election. This program must be applied uniformly throughout the state and must be nondiscriminatory in its application. ((~~The program must be completed not later than thirty days before the date of a primary or general election.~~))

The office of the secretary of state shall search the statewide voter registration list to find registered voters with the same date of birth and similar names. Once the potential duplicate registrations are identified, the secretary of state shall refer the potential duplicate registrations to the appropriate county auditors, who shall compare the signatures on each voter registration record and, after confirming that a duplicate registration exists properly resolve the duplication.

If a voter is suspected of voting in two or more counties in an election, the county auditors in each county shall cooperate without delay to determine the voter's county of residence. The county auditor of the county of residence of the voter suspected of voting in two or more counties shall take action under RCW 29A.84.010 without delay.

Sec. 29. RCW 29A.08.620 and 2004 c 267 s 130 and 2004 c 266 s 8 are each reenacted and amended to read as follows:

(1) ((~~A~~)) Each county auditor must request change of address information from the postal service for all absentee and mail ballots. A voter who votes at the polls must be mailed an election-related document, with change of address information requested, at least once every two years and at least ninety days prior to the date of a primary or general election for federal office.

(2) The county auditor shall ((~~assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:~~

~~(a) An acknowledgement of registration;~~

~~(b) An acknowledgement of transfer to a new address;~~

~~(c) A vote-by-mail ballot, absentee ballot, or application for a ballot;~~

~~(d) Notification to a voter after precinct reassignment;~~

~~(e) Notification to serve on jury duty; or~~

~~(f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter.~~

~~(2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice:~~

~~(a) Whenever change of address information received from the department of licensing under RCW 29A.08.350, or by any other agency designated to provide voter registration services under RCW 29A.08.310, indicates that the voter has moved to an address outside the state; or~~

~~(b) If the auditor receives postal change of address information under RCW 29A.08.605, indicating~~)) transfer the registration of a voter and send an acknowledgement notice to the new address informing the voter of the transfer if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved within the county.

(3) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice and a voter registration application if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved from one county to another.

(4) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur:

(a) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information; or

(b) Change of address information received from the postal service, the department of licensing, or another state agency designated to provide voter registration services indicates that the voter has moved out of the state.

Sec. 30. RCW 29A.08.625 and 2003 c 111 s 240 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who ((~~offers~~)) requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to the registration address, and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.

Sec. 31. RCW 29A.08.630 and 2004 c 267 s 131 are each amended to read as follows:

The county auditor shall return an inactive voter to active voter status if, ((~~during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second~~)) prior to the passage of two federal general elections ((~~for federal office that occurs after the date that the voter was sent a confirmation notice~~)), the voter:

(1) Notifies the auditor of a change of address ((~~within the county~~));

(2) Responds to a confirmation notice with information that ((~~the voter~~)) he or she continues to reside at the registration address; or

(3) Votes or attempts to vote in a primary ((~~or a~~)), special election, or general election ((~~and resides within the county; or signs any petition authorized by statute for which the signatures are required by law to be verified by the county auditor or secretary of state~~)). If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

Sec. 32. RCW 29A.08.635 and 2003 c 111 s 242 are each amended to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter confirm that he or she continues to reside at the address of record and desires to continue to use that address for voting purposes. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, his or her voter registration will be canceled.

Sec. 33. RCW 29A.08.640 and 2004 c 267 s 132 are each amended to read as follows:

(1) If the response to the confirmation notice ((~~provides the county auditor with the information indicating~~)) from the voter indicates that the voter has moved within the county, the auditor shall transfer the voter's registration and send the voter an acknowledgement notice.

(2) If the response from the voter indicates ((~~a move out of a~~)) that the voter moved out of the county, but within the state, the auditor shall ((~~place the registration in inactive status for transfer pending acceptance by the county indicated by the new address. The auditor shall immediately notify the auditor of the county with the new address~~)) cancel the voter's registration and notify the county auditor of the voter's new county of residence.

(3) If the response from the voter indicates that the voter has left the state, the auditor shall cancel the voter's registration on the official state voter registration list.

Sec. 34. RCW 29A.08.720 and 2005 c 246 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. ((~~In the case of voter registration records received through an agency designated under RCW 29A.08.310, the identity of the agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public.~~)) Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, poll books, precinct lists, and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

Sec. 35. RCW 29A.08.760 and 2004 c 267 s 134 are each amended to read as follows:

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the department of information services for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the

same as provided in RCW ((~~29A.08.730~~)) 29A.08.720 and 29A.08.740.

Sec. 36. RCW 29A.40.010 and 2003 c 111 s 1001 are each amended to read as follows:

Any registered voter of the state or any ((~~out-of-state voter,~~)) overseas voter((~~,~~)) or service voter may vote by absentee ballot in any general election, special election, or primary in the manner provided in this chapter. ((~~Out-of-state voters,~~)) Overseas voters((~~,~~)) and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter.

Sec. 37. RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to read as follows:

(1) Except as otherwise provided by law, a registered voter ((~~or out-of-state voter~~)), overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no earlier than ninety days nor later than the day before the election or primary at which the person seeks to vote. Except as otherwise provided by law, the request may be made orally in person, by telephone, electronically, or in writing. An application or request for an absentee ballot made under the authority of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an ((~~out-of-state voter,~~)) overseas voter((~~,~~)) or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(3) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an ((~~out-of-state voter,~~)) overseas voter((~~,~~)) or service voter must include the address of the last residence in the state of Washington and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(4) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an ((~~out-of-state voter,~~)) overseas voter((~~,~~)) or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor.

(5) No person, organization, or association may distribute absentee ballot applications within this state that contain a return address other than that of the appropriate county auditor.

Sec. 38. RCW 29A.40.061 and 2004 c 271 s 134 are each amended to read as follows:

(1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law. Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot. The ballot must provide space designated for writing in the name of additional candidates.

(2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.

(3) A copy of the state voters' pamphlet must be sent to ((~~registered voters temporarily outside the state, out-of-state voters,~~)) overseas voters((~~,~~)) and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election and is available to the county auditor at the time of mailing. The county auditor shall mail all absentee ballots and related material to overseas and service voters ((~~outside the territorial limits of the United States and the District of Columbia~~)) under 39 U.S.C. 3406.

Sec. 39. RCW 29A.40.091 and 2005 c 246 s 21 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space so that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For ((~~out-of-state voters,~~)) overseas voters((~~,~~)) and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first-class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot

envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 40. RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For ((~~out-of-state voters,~~)) overseas voters((~~,~~)) and service voters ((~~stationed in the United States~~)), the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot.

Sec. 41. RCW 29A.60.235 and 2005 c 243 s 11 are each amended to read as follows:

(1) The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The number of ballots counted;

(c) The number of provisional ballots issued;

(d) The number of provisional ballots counted;

(e) The number of provisional ballots rejected;

(f) The number of absentee ballots issued;

(g) The number of absentee ballots counted;

(h) The number of absentee ballots rejected;

(i) The number of federal write-in ballots counted;

(j) The number of ((~~out-of-state,~~)) overseas((~~,~~)) and service ballots issued;

(k) The number of ((~~out-of-state,~~)) overseas((~~,~~)) and service ballots counted; and

(l) The number of ((~~out-of-state,~~)) overseas((~~,~~)) and service ballots rejected.

(2) The county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site within thirty days of certification a final election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The total number of voters credited with voting;

(c) The number of poll voters credited with voting;

(d) The number of provisional voters credited with voting;

(e) The number of absentee voters credited with voting;

(f) The number of federal write-in voters credited with voting;

(g) The number of ((~~out-of-state,~~)) overseas((~~,~~)) and service voters credited with voting;

(h) The total number of voters credited with voting even though their ballots were postmarked after election day and were not counted; and

(i) Any other information the auditor deems necessary to reconcile the number of ballots counted with the number of voters credited with voting.

(3) The county auditor may also prepare such reports for jurisdictions located, in whole or in part, in the county.

Sec. 42. RCW 46.20.155 and 2005 c 246 s 24 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then ((~~provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter~~)) submit the registration or transfer. If the applicant answers in the negative to either question, the agent shall not ((~~provide the applicant with~~)) submit a voter registration ((~~form~~)) application.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

(1) RCW 29A.04.103 (Out-of-state voter) and 2003 c 111 s 118;

(2) RCW 29A.08.040 ("Person," "political purpose.") and 2003 c 111 s 202 & 1973 1st ex.s. c 111 s 1;

(3) RCW 29A.08.113 (Alternative forms of identification--Voting procedure) and 2005 c 246 s 7;

(4) RCW 29A.08.145 (Late registration--Special procedure) and 2006 c 97 s 2, 2005 c 246 s 10, 2004 c 267 s 113, 2003 c 111 s 213, & 1993 c 383 s 1;

(5) RCW 29A.08.360 (Address changes at department of licensing) and 2004 c 267 s 121 & 2003 c 111 s 227;

(6) RCW 29A.08.605 (Registration list maintenance) and 2004 c 267 s 128 & 2003 c 111 s 236;

(7) RCW 29A.08.651 (Voter registration database) and 2005 c 246 s 16 & 2004 c 267 s 101; and

(8) RCW 29A.08.780 (State and county list interchange) and 2004 c 267 s 137.

NEW SECTION. Sec. 44. No state general funds may be used for development and implementation of this act during the 2009-2011 biennium."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5285 Prime Sponsor, Committee on Human Services & Corrections: Revising procedures for appointment of guardians ad litem. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5286 Prime Sponsor, Committee on Human Services & Corrections: Regarding exemptions from the WorkFirst program. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"**Sec**. 1. RCW 74.08A.270 and 2007 c 289 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section shall not be required to participate in any activities during the first ninety days following the birth of the child. Thereafter, the parent may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

(a) Mental health treatment;

(b) Alcohol or drug treatment;

(c) Domestic violence services; or

(d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of twelve months over the parent's lifetime.

(6) The grant to a single-parent household claiming a good cause exemption under subsection (1)(b) of this section shall not be reduced due to sanction for failure to participate in the activities described under subsection (2) of this section. The department may, however, assign or seek out a volunteer or responsible family member to serve as a protective payee when a parent in need of mental health or substance abuse treatment refuses to engage in treatment, and shall continue its efforts to engage parents in appropriate supportive services and treatment programs."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen; Johnson and Walsh.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5340 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning internet and mail order sales of tobacco products. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.155.010 and 2006 c 14 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to ((~~RCW 70.155.020 through 70.155.130~~)) this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

(2) ((~~"Delivery sale" means any sale of cigarettes to a consumer in the state where either: (a) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other online service; or (b) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the state. A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed pursuant to chapter 82.24 RCW or a retailer pursuant to chapter 82.24 RCW is not a delivery sale.~~

~~(3) "Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers that requires the recipient of that letter, package, or container to sign to accept delivery.~~

~~(4)~~)) "Internet" means any computer network, telephonic network, or other electronic network.

(3) "Minor" refers to an individual who is less than eighteen years old.

(((~~(5)~~))) (4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

(((~~(6)~~))) (5) "Sampling" means the distribution of samples to members of the public.

(((~~(7) "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.~~

~~(8) "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.~~

~~(9)~~))) (6) "Tobacco product" means a product that contains tobacco and is intended for human use, including any product defined in RCW 82.24.010(2) or 82.26.010(1), except that for the purposes of section 2 of this act only, "tobacco product" does not include cigars defined in RCW 82.26.010 as to which one thousand units weigh more than three pounds.

NEW SECTION. Sec. 2. A new section is added to chapter 70.155 RCW to read as follows:

(1) A person may not:

(a) Ship or transport, or cause to be shipped or transported, any tobacco product ordered or purchased by mail or through the internet to anyone in this state other than a licensed wholesaler or retailer; or

(b) With knowledge or reason to know of the violation, provide substantial assistance to a person who is in violation of this section.

(2)(a) A person who knowingly violates subsection (1) of this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

(b) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated subsection (1) of this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court. For purposes of this subsection, each shipment or transport of tobacco products constitutes a separate violation.

(3) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of subsection (1) of this section and to compel compliance with subsection (1) of this section.

(4) Any violation of subsection (1) of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of subsection (1) of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(5)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated subsection (1) of this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

(6) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

NEW SECTION. Sec. 3. RCW 70.155.105 (Delivery sale of cigarettes--Requirements, unlawful practices--Penalties--Enforcement) and 2003 c 113 s 2 are each repealed."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Armstrong.

Passed to Committee on Rules for second reading.

April 4, 2009

2SSB 5346 Prime Sponsor, Committee on Ways & Means: Concerning administrative procedures for payors and providers of health care services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5360 Prime Sponsor, Committee on Health & Long-Term Care: Establishing a community health care collaborative grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander,

Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5391 Prime Sponsor, Committee on Health & Long-Term Care: Regulating body art, body piercing, and tattooing practitioners, shops, and businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds and declares that the practices of body piercing, tattooing, and other forms of body art involve an invasive procedure with the use of needles, sharps, instruments, and jewelry. These practices may be dangerous when improper sterilization techniques are used, presenting a risk of infecting the client with bloodborne pathogens including, but not limited to, HIV, hepatitis B, and hepatitis C. It is in the interests of the public health, safety, and welfare to establish requirements in the commercial practice of these activities in this state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter and RCW 5.40.050 and 70.54.340 unless the context clearly requires otherwise.

(1) "Body art" means the practice of invasive cosmetic adornment including the use of branding and scarification. "Body art" also includes the intentional production of scars upon the body. "Body art" does not include any health-related procedures performed by licensed health care practitioners under their scope of practice.

(2) "Body piercing" means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. "Body piercing" also includes any scar tissue resulting from or relating to the piercing. "Body piercing" does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer's directions and applicable United States food and drug administration requirements. "Body piercing" does not include any health-related procedures performed by licensed health care practitioners under their scope of practice, nor does anything in this act authorize a person registered to engage in the business of body piercing to implant or embed foreign objects into the human body or otherwise engage in the practice of medicine.

(3) "Director" means the director of the department of licensing.

(4) "Individual license" means a body art, body piercing, or tattoo practitioner license issued under this chapter.

(5) "Location license" means a license issued under this chapter for a shop or business.

(6) "Shop or business" means a body art, body piercing, or tattooing shop or business.

(7) "Tattoo artist" means a person who pierces or punctures the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin for a fee.

(8) "Tattooing" means to pierce or puncture the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin.

NEW SECTION. Sec. 3. In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director has the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing;

(4) To establish minimum safety and sanitation standards for practitioners of body art, body piercing, or tattooing as determined by the department of health;

(5) To maintain the official department record of applicants and licensees;

(6) To set license expiration dates and renewal periods for all licenses consistent with this chapter;

(7) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(8) To make information available to the department of revenue to assist in collecting taxes from persons and businesses required to be licensed under this chapter.

NEW SECTION. Sec. 4. (1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter is considered to be "in good standing" except when:

(a) The license has expired or has been canceled and has not been renewed in accordance with section 6 of this act;

(b) The license has been denied, revoked, or suspended under section 12 or 14 of this act, and has not been reinstated; or

(c) The license is held by a person who has not fully complied with an order of the director issued under section 12 of this act requiring the licensee to pay restitution or a fine, or to acquire additional training.

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Engages in the practice of body art, body piercing, or tattooing; or

(b) Operates a shop or business.

NEW SECTION. Sec. 5. Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate location license to any person who completes an application approved by the department, provides certification of insurance, and provides payment of the proper fee.

NEW SECTION. Sec. 6. (1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter. The director has the authority to set appropriate licensing fees for body art, body piercing, and tattooing shops and businesses and body art, body piercing, and tattooing individual practitioners. Licensing fees for individual practitioners must be set in an amount less than licensing fees for shops and businesses.

(2) Failure to renew a license by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate.

(3) A person whose license has not been renewed within one year after its expiration date must have his or her license canceled and

must be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated.

(4) Nothing in this section authorizes a person whose license has expired to engage in a practice prohibited under section 4 of this act until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant.

NEW SECTION. Sec. 7. (1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A body art, body piercing, or tattooing shop or business location license expires one year from issuance or when the insurance required by section 8(1)(g) of this act expires, whichever occurs first; and

(b) Body art, body piercing, or tattooing practitioner individual licenses expire one year from issuance.

(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods.

NEW SECTION. Sec. 8. (1) A body art, body piercing, or tattooing shop or business shall meet the following minimum requirements:

(a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;

(b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the shop or business;

(c) Any room used wholly or in part as a shop or business may not be used for residential purposes, except that toilet facilities may be used for both residential and business purposes;

(d) Meet the zoning requirements of the county, city, or town, as appropriate;

(e) Provide for safe storage and labeling of equipment and substances used in the practices under this chapter;

(f) Meet all applicable local and state fire codes; and

(g) Certify that the shop or business is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(2) The director may by rule determine other requirements that are necessary for safety and sanitation of shops or businesses. The director may consult with the state board of health and the department of labor and industries in establishing minimum shop and business safety requirements.

(3) Upon receipt of a written complaint that a shop or business has violated any provisions of this chapter, chapter 18.235 RCW, or the rules adopted under either chapter, or at least once every two years for an existing shop or business, the director or the director's designee shall inspect each shop or business. If the director determines that any shop or business is not in compliance with this chapter, the director shall send written notice to the shop or business. A shop or business which fails to correct the conditions to the satisfaction of the director within a reasonable time is, upon due notice, subject to the penalties imposed by the director under RCW 18.235.110. The director may enter any shop or business during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(4) A shop or business shall obtain a certificate of registration from the department of revenue.

(5) Shop or business location licenses issued by the department must be posted in the shop or business's reception area.

(6) Body art, body piercing, and tattooing practitioner individual licenses issued by the department must be posted at the licensed person's work station.

NEW SECTION. Sec. 9. The director shall prepare and provide to all licensed shops or businesses a notice to consumers. At a minimum, the notice must state that body art, body piercing, and tattooing shops or businesses are required to be licensed, that shops or businesses are required to maintain minimum safety and sanitation standards, that customer complaints regarding shops or businesses may be reported to the department, and a telephone number and address where complaints may be made.

NEW SECTION. Sec. 10. It is a violation of this chapter for any person to engage in the commercial practice of body art, body piercing, or tattooing except in a licensed shop or business with the appropriate individual body art, body piercing, or tattooing license.

NEW SECTION. Sec. 11. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in a practice prohibited under section 4 of this act without first obtaining, and maintaining in good standing, the license required by this chapter;

(3) Has failed to display licenses required in this chapter; or

(4) Has violated any provision of this chapter or any rule adopted under it.

NEW SECTION. Sec. 12. If, following a hearing, the director finds that any person or an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

(1) Denial of a license or renewal;

(2) Revocation or suspension of a license;

(3) A fine of not more than five hundred dollars per violation;

(4) Issuance of a reprimand or letter of censure;

(5) Placement of the licensee on probation for a fixed period of time;

(6) Restriction of the licensee's authorized scope of practice;

(7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or

(8) Requiring the licensee to obtain additional training or instruction.

NEW SECTION. Sec. 13. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under section 12 of this act has the right to appeal the decision of the director to the superior court of the county in which the person maintains his or her place of business. The appeal must be filed within thirty days of the director's decision.

NEW SECTION. Sec. 14. The department shall immediately suspend the license of a person who has been certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

NEW SECTION. Sec. 15. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 16. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 17. This act shall be known and may be cited as the "Washington body art, body piercing, and tattooing act."

NEW SECTION. Sec. 18. 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.

Sec. 19. RCW 70.54.340 and 2001 c 194 s 3 are each amended to read as follows:

The secretary of health shall adopt by rule requirements, in accordance with nationally recognized professional standards, for precautions against the spread of disease, including the sterilization of needles and other instruments, including sharps and jewelry, employed by electrologists, persons engaged in the practice of body art, body piercing, and tattoo artists ((~~in accordance with nationally recognized professional standards~~)). The secretary shall consider the ((~~universal~~)) standard precautions for infection control, as recommended by the United States centers for disease control, and guidelines for infection control, as recommended by ((~~the national environmental health association and the alliance of professional tattooists,~~)) national industry standards in the adoption of these sterilization requirements.

Sec. 20. RCW 5.40.050 and 2001 c 194 s 5 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to: (1) Electrical fire safety, (2) the use of smoke alarms, (3) sterilization of needles and instruments used by persons engaged in the practice of body art, body piercing, tattooing, or electrology, or other precaution against the spread of disease, as required under RCW 70.54.350, or (4) driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

Sec. 21. RCW 43.24.150 and 2008 c 119 s 22 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

(a) Chapter 18.11 RCW, auctioneers;

(b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

(c) Chapter 18.96 RCW, landscape architects;

(d) Chapter 18.145 RCW, court reporters;

(e) Chapter 18.165 RCW, private investigators;

(f) Chapter 18.170 RCW, security guards;

(g) Chapter 18.185 RCW, bail bond agents;

(h) Chapter 18.280 RCW, home inspectors;

(i) Chapter 19.16 RCW, collection agencies;

(j) Chapter 19.31 RCW, employment agencies;

(k) Chapter 19.105 RCW, camping resorts;

(l) Chapter 19.138 RCW, sellers of travel;

(m) Chapter 42.44 RCW, notaries public; ((~~and~~))

(n) Chapter 64.36 RCW, timeshares; and

(o) Chapter 18.-- RCW (the new chapter created in section 24 of this act).

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(2) The director shall biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which shall include the estimated income from these business and professions fees.

Sec. 22. RCW 18.235.020 and 2008 c 119 s 21 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.280 RCW; and

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.-- RCW (the new chapter created in section 24 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;

(vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and

(vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

NEW SECTION. Sec. 23. The director of licensing and the department of health, beginning on the effective date of this section, may take such steps as are necessary to ensure that this act is implemented July 1, 2010.

NEW SECTION. Sec. 24. Sections 1 through 18 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act take effect July 1, 2010."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5410 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding online learning. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle and Priest.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5480 Prime Sponsor, Committee on Health & Long-Term Care: Creating the Washington health care discount plan organization act. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Crouse and Short.

Passed to Committee on Rules for second reading.

April 4, 2009

2SSB 5491 Prime Sponsor, Committee on Ways & Means: Requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature intends to promote equity of coverage for all public employees through better coordination of employee benefits.

(2) The legislature finds that there is currently a compelling interest in providing health care coverage to certificated and classified K-12 employees in the most cost-effective manner. The legislature finds that this may be accomplished by covering certificated and classified K-12 employees through a large pool.

NEW SECTION. Sec. 2. (1) The health care authority shall develop a plan for reducing the cost of providing health benefits for certificated and classified K-12 employees. The health care authority must allow interested parties to provide comments and suggestions related to the plan.

(2) The health care authority shall present the plan to the governor and the fiscal committees of the senate and the house of representatives by December 15, 2009. The plan must state recommendations for the funding and procurement of health benefits for certificated and classified K-12 employees and include an analysis of the possibility of centralizing the provision of health benefits for certificated and classified K-12 employees by the health care authority. The plan must also include recommendations related to legislation that is deemed necessary to implement the recommendations of the health care authority set out in the plan.

NEW SECTION. Sec. 3. (1) By July 31, 2009, all school districts and educational service districts shall forward the following 2007-2008 plan year and 2008-2009 plan year data, current to March 2009, for each employee pooling group to the health care authority and the office of the superintendent of public instruction:

(a) Age and gender of covered employees;

(b) Age and gender of covered dependents; and

(c) Reports developed from health plan claims information that show counts of covered employees and dependents by diagnosis condition category.

(2) Contracted health carriers and self-insured plan administrators shall assist school districts and educational service districts in developing and submitting the information required in subsection (1) of this section.

(3) By July 31, 2009, all school districts and educational service districts shall forward the following information by employee pooling group, as in effect March 2009, to the health care authority and the office of the superintendent of public instruction:

(a) The cost of employee health benefits including employee premiums by plan and by employee tier;

(b) Health insurance benefit designs; and

(c) Eligibility criteria.

(4) Contracted health carriers and self-insured plan administrators shall assist school districts and educational service districts in developing and submitting the information required in subsection (3) of this section.

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."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Kagi; Kessler; Priest; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt; Hunter; Kenney; Pettigrew and Sullivan.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5501 Prime Sponsor, Committee on Ways & Means: Concerning the secure exchange of health information. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

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

(1) The inability to securely share critical health information between practitioners inhibits the delivery of safe, efficient care, as evidenced by:

(a) Adverse drug events that result in an average of seven hundred seventy thousand injuries and deaths each year; and

(b) Duplicative services that add to costs and jeopardize patient well-being;

(2) Consumers are unable to act as fully informed participants in their care unless they have ready access to their own health information;

(3) The blue ribbon commission on health care costs and access found that the development of a system to provide electronic access to patient information anywhere in the state was a key to improving health care; and

(4) In 2005, the legislature established a health information infrastructure advisory board to develop a strategy for the adoption and use of health information technologies that are consistent with emerging national standards and promote interoperability of health information systems.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 5 of this act unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the state health care authority under this chapter.

(2) "Exchange" means the methods or medium by which health care information may be electronically and securely exchanged among authorized providers, payors, and patients within Washington state.

(3) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(4) "Health data provider" means an organization that is a primary source for health-related data for Washington residents, including but not limited to:

(a) The children's health immunizations linkages and development profile immunization registry provided by the department of health pursuant to chapter 43.70 RCW;

(b) Commercial laboratories providing medical laboratory testing results;

(c) Prescription drugs clearinghouses, such as the national patient health information network; and

(d) Diagnostic imaging centers.

(5) "Lead organization" means a private sector organization or organizations designated by the administrator to lead development of processes, guidelines, and standards under this act.

(6) "Payor" means public purchasers, as defined in this section, carriers licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.62 RCW, and the Washington state health insurance pool established in chapter 48.41 RCW.

(7) "Public purchaser" means the department of social and health services, the department of labor and industries, and the health care authority.

(8) "Secretary" means the secretary of the department of health.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

(1) By August 1, 2009, the administrator shall designate one or more lead organizations to coordinate development of processes, guidelines, and standards to:

(a) Improve patient access to and control of their own health care information and thereby enable their active participation in their own care; and

(b) Implement methods for the secure exchange of clinical data as a means to promote:

(i) Continuity of care;

(ii) Quality of care;

(iii) Patient safety; and

(iv) Efficiency in medical practices.

(2) The lead organization designated by the administrator under this section shall:

(a) Be representative of health care privacy advocates, providers, and payors across the state;

(b) Have expertise and knowledge in the major disciplines related to the secure exchange of health data;

(c) Be able to support the costs of its work without recourse to state funding. The administrator and the lead organization are authorized and encouraged to seek federal funds, including funds

from the federal American recovery and reinvestment act, as well as solicit, receive, contract for, collect, and hold grants, donations, and gifts to support the implementation of this section and section 4 of this act;

(d) In collaboration with the administrator, identify and convene work groups, as needed, to accomplish the goals of this section and section 4 of this act;

(e) Conduct outreach and communication efforts to maximize the adoption of the guidelines, standards, and processes developed by the lead organization;

(f) Submit regular updates to the administrator on the progress implementing the requirements of this section and section 4 of this act; and

(g) With the administrator, report to the legislature December 1, 2009, and on December 1st of each year through December 1, 2012, on progress made, the time necessary for completing tasks, and identification of future tasks that should be prioritized for the next improvement cycle.

(3) Within available funds as specified in subsection (2)(c) of this section, the administrator shall:

(a) Participate in and review the work and progress of the lead organization, including the establishment and operation of work groups for this section and section 4 of this act; and

(b) Consult with the office of the attorney general to determine whether:

(i) An antitrust safe harbor is necessary to enable licensed carriers and providers to develop common rules and standards; and, if necessary, take steps, such as implementing rules or requesting legislation, to establish a safe harbor; and

(ii) Legislation is needed to limit provider liability if their health records are missing health information despite their participation in the exchange of health information.

(4) The lead organization or organizations shall take steps to minimize the costs that implementation of the processes, guidelines, and standards may have on participating entities, including providers.

NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

By December 1, 2011, the lead organization shall, consistent with the federal health insurance portability and accountability act, develop processes, guidelines, and standards that address:

(1) Identification and prioritization of high value health data from health data providers. High value health data include:

(a) Prescriptions;

(b) Immunization records;

(c) Laboratory results;

(d) Allergies; and

(e) Diagnostic imaging;

(2) Processes to request, submit, and receive data;

(3) Data security, including:

(a) Storage, access, encryption, and password protection;

(b) Secure methods for accepting and responding to requests for data;

(c) Handling unauthorized access to or disclosure of individually identifiable patient health information, including penalties for unauthorized disclosure; and

(d) Authentication of individuals, including patients and providers, when requesting access to health information, and maintenance of a permanent audit trail of such requests, including:

(i) Identification of the party making the request;

(ii) The data elements reported; and

(iii) Transaction dates;

(4) Materials written in plain language that explain the exchange of health information and how patients can effectively manage such information, including the use of online tools for that purpose;

(5) Materials for health care providers that explain the exchange of health information and the secure management of such information.

NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

If any provision in sections 2 through 4 of this act conflicts with existing or new federal requirements, the administrator shall recommend modifications, as needed, to assure compliance with the aims of sections 2 through 4 of this act and federal requirements."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen and Johnson.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5529 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding architects. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.08.310 and 1985 c 37 s 2 are each amended to read as follows:

(1) It is unlawful for any person to practice or offer to practice architecture in this state, ((~~architecture,~~)) or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect," "architecture," "architectural," or language tending to imply that he or she is an architect, unless the person is registered or authorized to practice in the state of Washington under this chapter.

(2) An architect or architectural firm registered in any other jurisdiction recognized by the board may offer to practice architecture in this state if:

(a) It is clearly and prominently stated in such an offer that the architect or firm is not registered to practice architecture in the state of Washington; and

(b) Prior to practicing architecture or signing a contract to provide architectural services, the architect or firm must be registered to practice architecture in this state.

(3) A person who has an accredited architectural degree may use the title "intern architect" when enrolled in a structured intern program recognized by the board and working under the direct supervision of an architect.

(4) The provisions of this section shall not affect the use of the words "architect," "architecture," or "architectural" where a person does not practice or offer to practice architecture.

Sec. 2. RCW 18.08.320 and 1985 c 37 s 3 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited architectural degree" means a professional degree from an institution of higher education accredited by the national architectural accreditation board or an equivalent degree in architecture as determined by the board.

(2) "Administration of the construction contract" means the periodic observation of materials and work to observe the general compliance with the construction contract documents, and does not include responsibility for supervising construction methods and processes, site conditions, equipment operations, personnel, or safety on the work site.

(((~~(2)~~))) (3) "Architect" means an individual who is registered under this chapter to practice architecture.

(((~~(3)~~))) (4) "Board" means the state board ((~~of registration~~)) for architects.

(((~~(4)~~))) (5) "Certificate of authorization" means a certificate issued by the director to a ((~~corporation or partnership~~)) business entity that authorizes the entity to practice architecture.

(((~~(5)~~))) (6) "Certificate of registration" means the certificate issued by the director to newly registered architects.

(((~~(6)~~))) (7) "Department" means the department of licensing.

(((~~(7)~~))) (8) "Director" means the director of licensing.

(((~~(8)~~))) (9) "Engineer" means an individual who is registered as an engineer under chapter 18.43 RCW.

(((~~(9)~~))) (10) "Person" means any individual, partnership, professional service corporation, corporation, joint stock association, joint venture, or any other entity authorized to do business in the state.

(((~~(10)~~))) (11) "Practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to predesign services, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

(((~~(11)~~))) (12) "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

(13) "Registered" means holding a currently valid certificate of registration or certificate of authorization issued by the director authorizing the practice of architecture.

(((~~(12)~~))) (14) "Structure" means any construction consisting of load-bearing members such as the foundation, roof, floors, walls, columns, girders, and beams or a combination of any number of these parts, with or without other parts or appurtenances.

(15) "Review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

(16) "Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services under RCW 18.08.420.

(17) "Managers" means the members of a limited liability company in which management of its business is vested in the members, and the managers of a limited liability company in which management of its business is vested in one or more managers.

Sec. 3. RCW 18.08.330 and 1985 c 37 s 4 are each amended to read as follows:

There is ((~~hereby~~)) created a state board ((~~of registration~~)) for architects consisting of seven members who shall be appointed by the governor. Six members shall be registered architects who are residents of the state and have at least eight years' experience in the practice of architecture as registered architects in responsible charge of architectural work or responsible charge of architectural teaching. One member shall be a public member, who is not and has never been a registered architect and who does not employ and is not employed by or professionally or financially associated with an architect.

The terms of each newly appointed member shall be six years. ((~~The members of the board of registration for architects serving on July 28, 1985, shall serve out the remainders of their existing five-year terms. The term of the public member shall coincide with the term of an architect.~~))

Every member of the board shall receive a certificate of appointment from the governor. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of six years or until the next successor has been appointed.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

The board shall elect a ((~~chairman~~)) chair, a ((~~vice-chairman~~)) vice-chair, and a secretary. The secretary may delegate his or her authority to the executive ((~~secretary~~)) director.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 18.08.340 and 2002 c 86 s 201 are each amended to read as follows:

(1) The board may adopt such rules under chapter 34.05 RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director shall employ an executive ((~~secretary~~)) director subject to approval by the board.

(3) The board shall evaluate the effect of changes to RCW 18.08.410 made by this act on the provision of services to project owners. The report shall be provided to the legislature by December 31, 2011, and shall be prepared with the participation of project owner, contractor, and building official representatives.

Sec. 5. RCW 18.08.350 and 1997 c 169 s 1 are each amended to read as follows:

(1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess ((~~either~~)) one of the following qualifications:

(a) Have an accredited architectural degree and at least three years' practical architectural work experience ((~~and have completed the requirements of~~)) in a structured intern training program approved by the board; or

(b) Have ((~~eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited~~

~~architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect~~)) a high school diploma or equivalent and twelve years' practical architectural work experience, which may include designing buildings as a principal activity and postsecondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered architect and include completing the requirements of a structured intern training program approved by the board. An applicant may receive up to four years of practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program.

Sec. 6. RCW 18.08.360 and 1985 c 37 s 7 are each amended to read as follows:

(1) The examination for an architect's certificate of registration shall be held at least annually at such time and place as the board determines.

(2) The board shall determine the content, scope, and grading process of the examination. The board may adopt an appropriate national examination and grading procedure.

(3) Applicants who fail to pass any section of the examination shall be permitted to retake the parts failed as prescribed by the board. Applicants have five years from the date of the first passed examination section to pass all remaining sections. If the entire examination is not successfully completed within five years, ((~~a retake of the entire examination shall be required~~)) any sections that were passed more than five years prior must be retaken. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period for the applicant to be deemed to have passed the complete examination.

(4) Applicants for registration who have an accredited architectural degree may begin taking the examination upon enrollment in a structured intern training program as approved by the board. Applicants who do not possess an accredited architectural degree may take the examination only after completing the experience and intern training requirements of this chapter.

Sec. 7. RCW 18.08.370 and 1985 c 37 s 8 are each amended to read as follows:

(1) The director shall issue a certificate of registration to any applicant who has, to the satisfaction of the board, met all the requirements for registration upon payment of the registration fee as provided in this chapter. All certificates of registration shall show the full name of the registrant, have the registration number, and shall be signed by the ((~~chairman~~)) chair of the board and by the director. The issuance of a certificate of registration by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered architect.

(2) Each registrant shall obtain a seal of the design authorized by the board bearing the architect's name, registration number, the legend "Registered Architect," and the name of this state. ((~~Drawings prepared by the registrant shall be sealed and signed by the registrant when filed with public authorities.~~)) All technical submissions prepared by an architect and filed with public authorities must be sealed and signed by the architect. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired, been revoked, or is suspended.

(3) An architect may seal and sign technical submissions under the following conditions:

(a) An architect may seal and sign technical submissions that are: Prepared by the architect; prepared by the architect's regularly employed subordinates; prepared in part by an individual or firm under a direct subcontract with the architect; or prepared in collaboration with an architect who is licensed in a jurisdiction recognized by the board, provided there is a contractual agreement between the architects.

(b) An architect may seal and sign technical submissions based on prototypical documents provided: The architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; the architect thoroughly analyzes the prototypical documents, makes necessary revisions, and adds all required elements and design information, including the design services of engineering consultants, if warranted, so that the prototypical documents become suitable complete technical submissions, in compliance with applicable codes, regulations, and site-specific requirements.

(c) An architect who seals and signs the technical submissions under this subsection (3) is responsible to the same extent as if the technical submissions were prepared by the architect.

Sec. 8. RCW 18.08.410 and 1985 c 37 s 12 are each amended to read as follows:

This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, engineering as authorized in chapter 18.43 RCW, or the provision of space planning((~~,~~)) or interior design((~~, or any legally recognized profession or trade by persons not registered as architects~~)) services not affecting public health or safety;

(2) Drafters, clerks, project managers, superintendents, and other employees of architects((~~, engineers, naval architects, or landscape architects~~)) from acting under the instructions, control, or supervision of ((~~their employers~~)) an architect;

(3) The construction, alteration, or supervision of construction of buildings or structures by contractors registered under chapter 18.27 RCW or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors registered under chapter 18.27 RCW from engaging persons who are not architects to observe and supervise construction of a project;

(5) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure regardless of size, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;

(6) Except as otherwise provided in this section, any person from doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to a total building size of four thousand square feet ((~~of construction~~)); or

(7) ((~~Design-build construction by registered general contractors if the structural design services are performed by a registered engineer;~~

(8) Any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or

(9) Any person from designing buildings or doing other design work for structures larger than those exempted under subsections (5) and (6) of this section, if the plans, which may include such design work, are stamped by a registered engineer or architect)) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the enlargement, repair, or alteration of up to four thousand square feet in a building that is greater than four thousand square feet, provided the building is a single story with an at grade level exit and the enlargement, alteration, or repairs do not affect the life safety of the occupants or structural systems of the building, provided further that this subsection shall not allow for multiple projects in a single building in which the combined square footage of the projects is greater than four thousand square feet.

Sec. 9. RCW 18.08.420 and 2002 c 86 s 203 are each amended to read as follows:

(1) ((An architect or architects may organize a corporation formed either as a business corporation under the provisions of Title 23B RCW or as a professional corporation under the provisions of chapter 18.100 RCW. For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23B RCW, the corporation or joint stock association shall file with the board:

(a) The application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation is qualified under this chapter to practice architecture in this state;

(b) Its notices of incorporation and bylaws and a certified copy of a resolution of the board of directors of the corporation that designates individuals registered under this chapter as responsible for the practice of architecture by the corporation in this state and that provides that full authority to make all final architectural decisions on behalf of the corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the individuals designated in the resolution. The filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract; and

(c) A designation in writing setting forth the name or names of the person or persons registered under this chapter who are responsible for the architecture of the firm. If there is a change in the person or persons responsible for the architecture of the firm, the changes shall be designated in writing and filed with the board within thirty days after the effective date of the changes.)) Any business entity, including a sole proprietorship, offering architecture services in Washington state must register with the board, regardless of its business structure. A business entity shall file with the board a list of individuals registered under this chapter as responsible for the practice of architecture by the business entity in this state and provides that full authority to make all final architectural decisions on behalf of the business entity with respect to work performed by the business entity in this state. Further, the person having the practice of architecture in his/her charge is himself/herself a general partner (if a partnership or limited liability partnership), or a manager (if a limited liability company), or a director (if a business corporation or professional service corporation) and is registered to practice architecture in this state.

(2) The business entity shall furnish the board with such information about its organization and activities as the board shall require by rule.

(3) Upon the filing with the board of the application for certificate of authorization, the certified copy of the resolution, and the information specified in subsection (1) of this section, the board shall authorize the director to issue to the ((corporation)) business entity a certificate of authorization to practice architecture in this state ((upon a determination by the board that:

(a) The bylaws of the corporation contain provisions that all architectural decisions pertaining to any project or architectural activities in this state shall be made by the specified architects responsible for the project or architectural activities, or other responsible architects under the direction or supervision of the architects responsible for the project or architectural activities;

(b) The applicant corporation has the ability to provide, through qualified personnel, professional services or creative work requiring architectural experience, and with respect to the architectural services that the corporation undertakes or offers to undertake, the personnel have the ability to apply special knowledge to the professional services or creative work such as consultation, investigation, evaluation, planning, design, and administration of the construction contract in connection with any public or private structures, buildings, equipment, processes, works, or projects;

(c) The application for certificate of authorization contains the professional records of the designated person or persons who are responsible;

(d) The application for certificate of authorization states the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period;

(e) The applicant corporation meets such other requirements related to professional competence in the furnishing of architectural services as may be established and promulgated by the board in furtherance of the purposes of this chapter; and

(f) The applicant corporation is possessed of the ability and competence to furnish architectural services in the public interest.

(3) Upon recommendation of the board to impose action as authorized in RCW 18.235.110, the director may impose the recommended action upon a certificate of authorization to a corporation if the board finds that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of the corporation have committed an act prohibited under RCW 18.08.440 or 18.235.130 or have been found personally responsible for misconduct under subsection (6) or (7) of this section.

(4) In the event a corporation, organized solely by a group of architects each registered under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to that corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in subsections (1) and (2) of this section. In the event the ownership of such corporation is altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners if exclusively architects, under the qualifications required by subsections (1) and (2) of this section)).

(((5))) (4) Any ((corporation)) business entity practicing or offering to practice architecture, whether or not it is authorized to practice architecture under this chapter, ((together with its directors and officers for their own individual acts, are)) shall be jointly and severally responsible to the same degree as an individual registered architect and shall conduct their business without misconduct or malpractice in the practice of architecture as defined in this chapter.

(((6))) (5) Any ((corporation)) business entity that has been certified under this chapter and has engaged in the practice of architecture may have its certificate of authorization either suspended

or revoked by the board if, after a proper hearing, the board finds that the ((~~corporation~~)) business entity has committed misconduct or malpractice under RCW 18.08.440 or 18.235.130. In such a case, any individual architect registered under this chapter who is involved in such misconduct or malpractice is also subject to disciplinary measures provided in this chapter and RCW 18.235.110.

(((~~(7) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direction of the designated architects and shall be signed by and stamped with the official seal of the designated architects in the corporation authorized under this chapter.~~

~~(8)~~)) (6) For each certificate of authorization issued under this section there shall be paid a certification fee and an annual certification renewal fee as prescribed by the director under RCW 43.24.086.

(((~~(9) This chapter shall not affect the practice of architecture as a professional service corporation under chapter 18.100 RCW.~~)))

Sec. 10. RCW 18.08.430 and 1985 c 37 s 14 are each amended to read as follows:

(1) The renewal date for certificates of registration shall be set by the director in accordance with RCW 43.24.086. Registrants who fail to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. A registrant who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the board determines. The renewal and penalty fees and the frequency of renewal assessment shall be authorized under this chapter. Renewal date for certificates of authorization shall be the anniversary of the date of authorization.

(2) Any registrant in good standing may withdraw from the practice of architecture by giving written notice to the director, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. A registrant may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A registered architect must demonstrate professional development since the architect's last renewal or initial registration, as the case may be. The board shall by rule describe professional development activities acceptable to the board and the form of documentation of the activities required by the board. The board may decline to renew a registration if the architect's professional development activities do not meet the standards set by the board by rule. When adopting rules under the authority of this subsection, the board shall strive to ensure that the rules are consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects and in use by other states.

(a) A registered architect shall, as part of his or her license renewal, certify that he or she has completed the required continuing professional development required by this section.

(b) The board may adopt reasonable exemptions from the requirements of this section.

NEW SECTION. Sec. 11. (1) Section 5 of this act takes effect on July 1, 2011, and all persons enrolled in an intern training program as approved by the board before July 1, 2011, shall be governed by the statute in effect at the time of enrollment in the program.

(2) Sections 7 through 10 of this act take effect July 1, 2010."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Armstrong.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5560 Prime Sponsor, Committee on Ways & Means: Regarding state agency climate leadership. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that in chapter 14, Laws of 2008, the legislature established greenhouse gas emission reduction limits for Washington state, including a reduction of overall emissions by 2020 to emission levels in 1990, a reduction by 2035 to levels twenty-five percent below 1990 levels, and by 2050 a further reduction below 1990 levels. Based upon estimated 2006 emission levels in Washington, this will require a reduction from present emission levels of over twenty-five percent in the next eleven years. The legislature further finds that state government activities are a significant source of emissions, and that state government should meet targets for reducing emissions from its buildings, vehicles, and all operations that demonstrate that these reductions are achievable, cost-effective, and will help to promote innovative energy efficiency technologies and practices.

NEW SECTION. Sec. 2. A new section is added to chapter 70.235 RCW to read as follows:

(1) All state agencies shall meet the statewide greenhouse gas emission limits established in RCW 70.235.020 to achieve the following, using the estimates and strategy established in subsections (2) and (3) of this section:

(a) By July 1, 2020, reduce emissions by fifteen percent from 2005 emission levels;

(b) By 2035, reduce emissions to thirty-six percent below 2005 levels; and

(c) By 2050, reduce emissions to the greater reduction of fifty-seven and one-half percent below 2005 levels, or seventy percent below the expected state government emissions that year.

(2)(a) By June 30, 2010, all state agencies shall report estimates of emissions for 2005 to the department, including 2009 levels of emissions, and projected emissions through 2035.

(b) State agencies required to report under RCW 70.94.151 must estimate emissions from methodologies recommended by the department and must be based on actual operation of those agencies. Agencies not required to report under RCW 70.94.151 shall derive emissions estimates using an emissions calculator provided by the department.

(3) By June 30, 2011, each state agency shall submit to the department a strategy to meet the requirements in subsection (1) of this section. The strategy must address employee travel activities, teleconferencing alternatives, and include existing and proposed actions, a timeline for reductions, and recommendations for

budgetary and other incentives to reduce emissions, especially from employee business travel.

(4) By October 1st of each even-numbered year beginning in 2012, each state agency shall report to the department the actions taken to meet the emission reduction targets under the strategy for the preceding fiscal biennium. The department may authorize the department of general administration to report on behalf of any state agency having fewer than five hundred full-time equivalent employees at any time during the reporting period. The department shall cooperate with the department of general administration and the department of community, trade, and economic development to develop consolidated reporting methodologies that incorporate emission reduction actions taken across all or substantially all state agencies.

(5) All state agencies shall cooperate in providing information to the department, the department of general administration, and the department of community, trade, and economic development for the purposes of this section.

(6) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted within an agency, they must be shifted among current full-time equivalent allocations. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

NEW SECTION. Sec. 3. A new section is added to chapter 70.235 RCW to read as follows:

(1) The department shall develop an emissions calculator to assist state agencies in estimating aggregate emissions as well as in estimating the relative emissions from different ways in carrying out activities.

(2) The department may use data such as totals of building space occupied, energy purchases and generation, motor vehicle fuel purchases and total mileage driven, and other reasonable sources of data to make these estimates. The estimates may be derived from a single methodology using these or other factors, except that for the top ten state agencies in occupied building space and vehicle miles driven, the estimates must be based upon the actual and projected operations of those agencies. The estimates may be adjusted, and reasonable estimates derived, when agencies have been created since 1990 or functions reorganized among state agencies since 1990. The estimates may incorporate projected emissions reductions that also affect state agencies under the program authorized in RCW 70.235.020 and other existing policies that will result in emissions reductions.

(3) By December 31st of each even-numbered year beginning in 2010, the department shall report to the governor and to the appropriate committees of the senate and house of representatives the total state agencies' emissions of greenhouse gases for 2005 and the preceding two years and actions taken to meet the emissions reduction targets.

Sec. 4. RCW 43.41.130 and 1982 c 163 s 13 are each amended to read as follows:

The director of financial management, after consultation with other interested or affected state agencies, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use. By June 15, 2010, the director of the department of general administration, in consultation with the office and other interested or affected state agencies, shall develop strategies to reduce fuel consumption and emissions from all classes of vehicles. State agencies shall use these strategies to:

(1) Phase in fuel economy standards for motor pools and leased vehicles to achieve an average fuel economy standard of thirty-six miles per gallon for passenger vehicle fleets by 2015;

(2) Achieve an average fuel economy of forty miles per gallon for light duty passenger vehicles purchased after June 15, 2010; and

(3) Achieve an average fuel economy standard of twenty-seven miles per gallon for light duty vans and sport utility vehicles purchased after June 15, 2010.

State agencies must report annually on the progress made to achieve the goals under subsections (1) through (3) of this section beginning October 31, 2011.

The department of general administration, in consultation with the office and other affected or interested agencies, shall develop a separate fleet fuel economy standard for all other classes of vehicles and report the progress made toward meeting the fuel consumption and emissions goals established by this section to the governor and the relevant legislative committees by December 1, 2012.

For the purposes of this section, light duty vehicles refers to cars, sport utility vehicles, and passenger vans. The following vehicles are excluded from the agency fleet average fuel economy calculation: Emergency response vehicles, passenger vans with a gross vehicle weight of eight thousand five hundred pounds or greater, vehicles that are purchased for off-pavement use, and vehicles that are driven less than two thousand miles per year. Average fuel economy calculations must be based upon the current United States environmental protection agency composite city and highway mile per gallon rating.

((~~Such policies shall also include the widest possible use of gasohol and cost-effective alternative fuels in all motor vehicles owned or operated by any state agency. As used in this section, "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.~~))

Sec. 5. RCW 43.19.675 and 2001 c 214 s 26 are each amended to read as follows:

(1) For each state-owned facility greater than ten thousand square feet that has not had an energy audit completed in the past five years, the director of general administration, or the agency responsible for the facility if other than the department of general administration, shall conduct an energy audit of that facility. This energy audit may be conducted by contract or by other arrangement, including appropriate agency staff. Performance-based contracting shall be the preferred method for implementing and completing energy audits. ((~~For each state-owned facility, the energy consumption surveys shall be completed no later than October 1, 2001, and the walk-through surveys shall be completed no later than July 1, 2002.~~))

(2)(a) The director of general administration shall develop a schedule for conducting and completing state agency energy audits. All energy audits must be completed by December 1, 2013.

(b) The director of general administration shall develop procedures to ensure that consistent methods for energy benchmarks are used when conducting energy audits.

Sec. 6. RCW 43.19.680 and 2001 c 214 s 27 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) If a walk-through survey has identified potentially cost-effective energy conservation measures, the agency responsible for the facility shall undertake an investment grade audit of the facility. Investment grade audits shall be completed no later than December 1, ((~~2002~~)) 2013. Installation of cost-effective energy conservation measures recommended in the investment grade audit shall be completed no later than June 30, ((~~2004~~)) 2016.

(3) ((~~For each biennium until all measures are installed,~~)) The director of general administration shall report to the governor and the legislature ((~~installation progress, [and]~~)) on the progress of energy audits, development of energy benchmarks, and energy efficiency measures planned for installation during the ensuing biennium. This report shall be submitted by December 31, ((~~2004~~)) 2014, or at the end of the following year whichever immediately precedes the capital budget adoption, and ((~~every two years thereafter until all measures are installed~~)) a final report by December 31, 2016.

(4) Agencies may contract with energy service companies as authorized by chapter 39.35C RCW for energy audits and implementation of cost-effective energy conservation measures. State agencies must complete an energy audit prior to or as part of a request for state funds on any energy efficiency project for an agency-owned or leased facility. The department shall provide technically qualified personnel to the responsible agency upon request. The department shall recover a fee for this service.

Sec. 7. RCW 43.41.170 and 1989 c 11 s 15 are each amended to read as follows:

The office of financial management shall ((~~ensure that~~)) require state agencies to perform energy audits as required under RCW 43.19.675. To the extent possible through the budget process ((~~shall allow~~)), state agencies implementing energy conservation ((~~to~~)) measures as identified under RCW 43.19.680 may retain the resulting cost savings for other purposes, including further energy conservation.

Sec. 8. RCW 43.82.045 and 2007 c 506 s 5 are each amended to read as follows:

(1) State agencies are prohibited from entering into lease agreements for privately owned buildings that are in the planning stage of development or under construction unless there is prior written approval by the director of the office of financial management. Approval of such leases shall not be delegated. Lease agreements described in this section must comply with RCW 43.82.035.

(2) The director of the office of financial management shall require that all state agencies enter into lease agreements for privately owned buildings greater than ten thousand square feet only if:

(a) The lessor has had an investment grade energy audit completed on the building in the past five years and has installed the cost-effective energy conservation measures recommended by the audit; or

(b) The lessor agrees to complete an investment grade energy audit on the building and install the cost-effective energy conservation measures recommended by the audit within the first five years of the lease.

Sec. 9. RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read as follows:

(1) The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings, reducing energy consumption, and allowing flexible methods and choices in how to achieve those standards and reductions. The legislature also intends that public agencies and public school districts shall document costs and savings to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5601 Prime Sponsor, Committee on Health & Long-Term Care: Regulating speech-language pathology assistants. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness as such amendment is amended by Committee on Health & Human Services Appropriations. (For committee amendment, see Journal, Day 78, March 30, 2009.)

On page 2, line 36 of the amendment, after "(10)" insert ""Hearing health care professional" means an audiologist or hearing instrument fitter/dispenser licensed under this chapter or a physician specializing in diseases of the ear licensed under chapter 18.71 RCW.

(11)"

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

On page 8, line 30 of the amendment, after "licensing" strike "or certification"

On page 8, beginning on line 31 of the amendment, after "pathologists," strike "speech-language pathology assistants, and audiologists" and insert "and audiologists, the certification of speech-language pathology assistants,"

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5649 Prime Sponsor, Committee on Ways & Means: Regarding energy efficiency in buildings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Technology, Energy & Communications.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** FINDINGS. (1) The legislature finds that improving energy efficiency in structures is one of the most cost-effective means to meet energy requirements, and that while there have been significant efficiency savings achieved in the state over the past quarter century, there remains enormous potential to achieve even greater savings. Increased weatherization and more extensive efficiency improvements in residential, commercial, and public buildings achieves many benefits, including reducing energy bills, avoiding the construction of new electricity generating facilities with associated climate change impacts, and creation of family-wage jobs in performing energy audits and improvements.

(2) The legislature recognizes that the Washington State University extension energy program is uniquely qualified to implement programs consistent with the purposes of this act. Washington State University has nationally recognized experts in energy efficiency, renewable energy, energy technology, and program delivery.

(3) It is the intent of the legislature that financial and technical assistance programs be expanded to direct municipal, state, and federal funds, as well as electric and natural gas utility funding, toward greater achievement of energy efficiency improvements. To this end, the legislature establishes a policy goal of assisting in weatherizing twenty thousand homes and businesses in the state in each of the next five years. The legislature also intends to attain this goal in part through supporting programs that rely on community organizations and that there be maximum family-wage job creation in fields related to energy efficiency.

PART 1
Energy Efficiency Improvement Program

NEW SECTION. Sec. 101. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means the energy efficiency assistance account created in section 110 of this act.

(2) "Board" means the state board for community and technical colleges.

(3) "Credit enhancement" means instruments which enhance the security for the payment of the lender's obligations and includes, but is not limited to insurance, letters of credit, lines of credit, or other similar agreements.

(4) "Customers" means residents, businesses, and building owners.

(5) "Direct outreach" means:

(a) The use of door-to-door contact, community events, and other methods of direct interaction with customers to inform them of energy efficiency and weatherization opportunities; and

(b) The performance of energy audits.

(6) "Director" means the director of the energy efficiency assistance program created in section 102 of this act.

(7) "Energy audit" means an assessment of building energy efficiency opportunities, from measures that require very little investment and without any disruption to building operation, normally involving general building operational measures, to low or relatively higher cost investment, such as installing timers to turn off equipment, replacing light bulbs, installing insulation, replacing equipment and appliances with higher efficiency equipment and appliances, and similar measures. The term includes an assessment of alternatives for generation of heat and power from renewable energy resources, including installation of solar hot water heating and equipment for photovoltaic electricity generation.

(8) "Energy efficiency and conservation block grant program" means the federal program created under the energy independence and security act of 2007 (P.L. 110-140).

(9) "Energy efficiency services" means energy audits, weatherization, energy efficiency retrofits, energy management systems as defined in RCW 39.35.030, and other activities to reduce a customer's energy consumption, and includes assistance with paperwork, arranging for financing, program design and development, and other postenergy audit assistance and education to help customers meet their energy savings goals.

(10) "Family wages" means wages that, aggregated over a year, total at least two hundred percent of the poverty guideline for a family of four, as established for the applicable calendar year by the United States department of health and human services, or compliance with prevailing wage provisions under chapter 39.12 RCW or area standard wages for public works as determined by the department of labor and industries, whichever is greater.

(11) "Income eligible" means household incomes that are greater than sixty percent of the state median income and not exceeding one hundred twenty percent of the county area median income.

(12) "Low-income individual" means an individual whose annual household income does not exceed eighty percent of the area median income for the metropolitan, micropolitan, or combined statistical area in which that individual resides as determined annually by the United States department of housing and urban development.

(13) "President" means the president of Washington State University.

(14) "Program" means the energy efficiency assistance program created in section 102 of this act.

(15) "Sponsor" means any entity or group of entities that submits a proposal under section 103 of this act, including but not limited to any nongovernmental nonprofit organization, local community action agency, tribal nation, community service agency, public service company, county, municipality, publicly owned electric, or natural gas utility.

(16) "Sponsor match" means the share, if any, of the cost of efficiency improvements to be paid by the sponsor.

(17) "State energy program" means the federal program created under the energy policy and conservation act (Title 42 U.S.C. Sec. 6321).

(18) "University" means Washington State University.

(19) "Weatherization" means making energy and resource conservation and energy efficiency improvements.

NEW SECTION. Sec. 102. ENERGY EFFICIENCY ASSISTANCE PROGRAM CREATED. (1) The energy efficiency assistance program is created within the extension energy program of Washington State University. The program must be managed by the director, who is appointed by the president. The director must:

(a) Establish a process to award grants on a competitive basis using funds from the account;

(i) Grants must be used to:

(A) Conduct direct outreach;

(B) Deliver energy efficiency services; or

(C) Create credit enhancements, such as loan loss reserve funds as specified in section 107 of this act;

(ii) The allocation of grants funded by state energy program funds shall be prioritized as follows:

(A) Weatherization of residential structures for income eligible households, that are not eligible for weatherization assistance under chapter 70.164 RCW; and

(B) Weatherization of operations of commercial, industrial, and nonprofit entities that have reported an average of less than one million dollars of gross revenue annually in the preceding five years;

(iii) Grants must be matched, in amounts determined by the director, by resources provided by the sponsor;

(iv) If a match is required by the director, preference must be given to those grant applicants with higher ratios of resources provided by the sponsor to grant awards;

(b) Provide technical assistance:

(i) To grant recipients conducting direct outreach, delivering energy efficiency services, or providing financing assistance and services; and

(ii) For farm energy assessment activities as specified in section 109 of this act;

(c) Cooperate and coordinate with the department of community, trade, and economic development and those entities providing energy audit and energy efficiency services and training to maximize the assistance provided in the program, avoid duplication of existing programs, and encourage:

(i) The use of service delivery models by grant recipients that have proven effective in existing programs; and

(ii) The development of geographic information about direct outreach to be shared between grant recipients and low-income weatherization providers to minimize duplication in targeting customers;

(d)(i) Distribute a minimum of sixty percent of program funding as grants, at least seventy-five percent of which must be prioritized for programs that provide both direct outreach and delivery of energy efficiency services;

(ii) Distribute a minimum of twenty percent of program funding for technical assistance and training resource moneys as specified in section 401 of this act;

(iii) Distribute a maximum of ten percent of program funding for credit enhancements, using criteria as developed in subsection (4) of this section;

(e) Retain a maximum of five percent of program funds provided by the federal government for program administration and the administrative overhead of the university; and

(f) Create an appliance efficiency rebate program with available funds from the energy efficient appliances rebate program authorized under the federal energy policy act of 2005 (P.L. 109-58).

(2) The director shall adopt guidelines addressing best practices for direct outreach and energy efficiency services and avoiding duplication of such services.

(3) The program must offer assistance to sponsors to develop and design effective energy efficiency services programs.

(4) The director, in consultation with the department of financial institutions, shall develop criteria regarding the extent which funds will be provided for the purposes of credit enhancements under subsection (1)(d)(iii) of this section and set forth principles for accountability for financial institutions receiving funding for credit enhancements.

(5) The director must approve any financing mechanisms offered by local municipalities pursuant to section 107 of this act.

(6) The director shall require any financial institution or other entity receiving funding for credit enhancements to:

(a) Provide books, accounts, and other records in such a form and manner as the director may require;

(b) Identify a loan loss reserve that is sufficient to cover projected loan losses which are not guaranteed by the United States government; and

(c) Identify any other credit enhancements.

(7)(a) If a sponsor match is required by the director, a sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization; or (ii) make yearly payments to the account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the value of the payments may not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(c) The director may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

NEW SECTION. Sec. 103. GRANTS AUTHORIZED. (1) The director shall solicit grant applications from sponsors. The director may provide grants that fully or partially fund a sponsor's proposal. The director shall require the following in the grant application:

(a) The amount requested from the account;

(b) The amount of the sponsor match;

(c) The entities participating as sponsors and any entities that will provide administrative support, direct outreach, energy efficiency services, or financing assistance and services;

(d) A demonstration of effective fiscal accountability measures;

(e) Performance measures by which to assess the monetary and energy savings of proposed efficiency projects following project completion;

(f) A work plan detailing the means and methods by which the sponsor will carry out the required direct outreach or energy efficiency services;

(g) Convincing evidence that a sponsor providing energy efficiency services will be capable of helping customers achieve a savings-to-investment ratio of at least one over a payback period of twenty years, subject to the useful life of the improvements;

(h) Convincing evidence that the sponsor will ensure that workers delivering energy efficiency services are paid family wages and are performing jobs that could lead to careers in the construction trades or in the energy efficiency sector;

(i) Convincing evidence that the sponsor will be able to efficiently and expeditiously provide direct outreach or energy efficiency services, including details on the sponsor's proposed hiring

practices, means of oversight of employees or contractors, plans to employ, to the extent feasible, workers trained in training programs using the curricula established in section 401 (1) and (2) of this act, and the use of quality control measures;

(j) Convincing evidence that the sponsor will use only responsible and reputable contractors with a satisfactory record of compliance with all applicable safety, environmental, and labor laws and regulations; and

(k) Any other information required by the director.

(2) In awarding grants, the director shall give preference to sponsors that use best efforts to achieve the standards outlined in (a) through (c) of this subsection.

(a) Twenty percent of all construction work hours will be performed by state certified apprentices on a contractor by contractor basis;

(b) Twenty-five percent of all apprentice construction work hours will be performed by first period apprentices; or

(c) Not less than twenty percent of all construction work hours will be performed by:

(i) Individuals whose primary place of residence is within the same county, the same metropolitan statistical area, or thirty miles of the proposed project and who qualifies as being a disadvantaged worker because the worker is a low-income individual, an at-risk youth, or a previous offender; or

(ii) Either recently separated veterans or members of the national guard, or both, who are returning from active duty in a foreign war zone.

(3) In calculating compliance with the twenty percent standard outlined in subsection (2)(c)(i) of this section, construction work hours performed by residents of states other than Washington may not be included.

(4) Preference must also be given to sponsors whose projects are designed to achieve the greatest scope and economies of scale in the provision of energy efficiency services.

(5) In awarding grants, the director shall also give preference to applications that feature the utilization of a hiring and workforce development program undertaken in partnership with entities that have a successful track record of identifying and recruiting disadvantaged workers, implementing and operating workers skills training and education programs, and placing disadvantaged workers into sustained employment.

(6) The director shall allocate funds appropriated from the account among proposals accepted or accepted in part so as to achieve the greatest possible expected monetary and energy savings by energy consumers and shall, to the extent feasible, ensure a balance of participation for (a) geographic regions in the state; (b) types of fuel used for heating; (c) owner-occupied and rental residences; and (d) single-family and multifamily dwellings. The director may allocate funds to a nonutility sponsor without requiring a sponsor match if the director determines that such an allocation is necessary to provide the greatest benefits to income eligible residents of the state.

(7)(a) The director shall develop, track, and require reporting of compliance with performance metrics for each sponsor receiving a grant award. The performance metrics must include, but not be limited to:

(i) Monetary and energy savings achieved;

(ii) Savings-to-investment ratio achieved for customers;

(iii) Wage levels of jobs created;

(iv) Efficiency and speed of delivery of services; and

(v) Attainment of the standards established under subsection (2)(a) through (c) of this section.

(b) Programs receiving funding under this section are required to report on compliance with the performance metrics every six months following the receipt of grants, with the last report submitted six months after program completion. The director shall verify the accuracy of these reports.

(c) The director shall provide a progress report on all grant programs to the appropriate committees of the legislature by December 1st of each year.

NEW SECTION. Sec. 104. EXPEDITED GRANTS IN 2009. (1) The legislature finds that conducting energy audits and performing efficiency improvements in residences and commercial structures creates family-wage jobs and will stimulate local economies where this work is conducted. Therefore, the legislature directs that where appropriations are made to the account specifically for the purpose of expedited grants, the director shall accord priority to making such grants over all other duties in the program. The director shall award grants within the time frame set by the federal government under the programs providing the funding for these activities. The director shall develop and utilize expedited grant procedures to ensure both compliance with federal program requirements and the legislature's goal of providing prompt stimulation to local economies.

(2) By November 1, 2009, the director shall report to the appropriate fiscal and policy committees in the senate and house of representatives on the status of grant awards under this section. The report may be combined with that made by the department of community, trade, and economic development under section 206 of this act.

NEW SECTION. Sec. 105. PILOT GRANTS FOR COMMUNITY-WIDE URBAN RESIDENTIAL AND COMMERCIAL EFFICIENCY UPGRADES. (1) The legislature finds that comprehensive energy efficiency retrofits in the residential and smaller commercial markets are significantly underutilized due in part to the complex set of decisions that property owners face when securing an energy audit, arranging for financing, and obtaining a contractor to perform the retrofit work. While these retrofits have previously been viewed as primarily benefiting the property owner with energy cost savings, the additional benefits of the avoided costs of new energy generation and the environmental and climate benefits of reduced carbon emissions call for new ways of reaching residential and business building owners to deliver energy efficiency services. Therefore, the purpose of this section is to encourage programs that will combine utility, government, and private investments in residential and commercial building energy efficiency upgrades, with a community-based outreach component to overcome the hurdles that property owners face in considering these upgrades.

(2)(a) The director shall award not less than three grants for programs that:

(i) Provide assistance for energy audits and energy efficiency related improvements to structures owned by or used for residential, commercial, or nonprofit purposes in specified urban neighborhoods where the objective is to achieve a high rate of participation among building owners within the pilot area;

(ii) Utilize volunteer support to reach out to potential customers through the use of community-based institutions;

(iii) Employ qualified energy auditors to perform the energy audits using recognized retrofit measures that are cost-effective;

(iv) Select and provide oversight of contractors to perform retrofit work. The contractors must agree to participate in quality control and efficiency training, pay prevailing wages, meet minimum apprentice utilization standards, and hire from the community in which the program is located; and

(v) Work with customers to secure financing for their portion of the project and apply for and administer utility, public, and charitable funding provided for energy audits and retrofits.

(b) Priority must be given to grant applicants that can secure a sponsor match of at least one dollar for each dollar awarded.

NEW SECTION. Sec. 106. PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS--FINDINGS AND INTENT. (1) The legislature finds that the creation and use of risk reduction mechanisms will promote greater involvement of local financial institutions and other financing mechanisms in funding energy efficiency improvements and will achieve greater leverage of state and federal dollars. Risk reduction mechanisms will allow financial institutions to lend to a broader pool of applicants on more attractive terms, such as potentially lower rates and longer loan terms. Placing a portion of funds in long-term risk reduction mechanisms will support a sustained level of energy efficiency investment by financial institutions while providing funding to projects quickly.

(2) It is the intent of the legislature to leverage new federal funding aimed at promoting energy efficiency projects, improving energy efficiency, and increasing family wage jobs. To this end, the legislature intends to invest a portion of all federal funding, subject to federal requirements, for energy efficiency projects in financial mechanisms that will provide for maximum leverage of financing.

NEW SECTION. Sec. 107. PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) Local municipalities receiving federal stimulus moneys through the federal energy efficiency and conservation block grant program are authorized to use those funds, subject to federal requirements, to establish loan loss reserves or toward risk reduction mechanisms, such as loan loss reserves, to leverage financing for energy efficiency projects.

(2) Interest rate subsidies, financing transaction cost subsidies, capital grants to energy users, and other forms of grants and incentives that support financing energy efficiency projects are authorized uses of federal energy efficiency funding.

(3) Financing mechanisms offered by local municipalities under this section shall conform to all applicable state and federal regulations.

NEW SECTION. Sec. 108. PROMOTING THE INVOLVEMENT OF STATE-CHARTERED BOND AUTHORITIES IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) The legislature finds that the state bond authorities have capacities that can be applied to financing energy efficiency projects for their respective eligible borrowers: Washington economic development finance authority for industry; Washington state housing finance commission for single-family and multifamily housing, commercial properties, agricultural properties, and nonprofit facilities; Washington higher education facilities authority for private, nonprofit higher education; and Washington health care facilities authority for hospitals and all types of health clinics.

(2)(a) Subject to federal requirements, the state bond authorities may accept and administer an allocation of the state's share of the federal energy efficiency funding for designing energy efficiency finance loan products and for developing and operating energy efficiency finance programs. The state bond authorities shall coordinate with the program on the design of the bond authorities' program.

(b) The director of the program may make allocations of the federal funding to the state bond authorities and may direct and administer funding for outreach, marketing, and delivery of energy services to support the programs by the state bond authorities.

(c) The legislature authorizes a portion of the federal energy efficiency funds to be used by the state bond authorities for credit enhancements and reserves for such programs.

(3) The Washington state housing finance commission may:

(a) Issue revenue bonds as the term "bond" is defined in RCW 43.180.020 for the purpose of financing loans for energy efficiency and renewable energy improvement projects in accordance with RCW 43.180.150;

(b) Establish eligibility criteria for financing that will enable it to choose applicants who are likely to repay loans made or acquired by the commission and funded from the proceeds of federal funds or commission bonds; and

(c) Participate fully in federal and other governmental programs and take such actions as are necessary and consistent with chapter 43.180 RCW to secure to itself and the people of the state the benefits of programs to promote energy efficiency and renewable energy technologies.

NEW SECTION. Sec. 109. FARM ENERGY ASSESSMENTS. (1) The legislature finds that increasing energy costs put farm viability and competitiveness at risk and that energy efficiency improvements on the farm are the most cost-effective way to manage these costs. The legislature further finds that current on-farm energy efficiency programs often miss opportunities to evaluate and conserve all types of energy, including fuels and fertilizers.

(2) The director, in consultation with the department of agriculture, shall form an interdisciplinary team of agricultural and energy extension agencies to develop and offer new methods to help agricultural producers assess their opportunities to increase energy efficiency in all aspects of their operations. The interdisciplinary team must develop and deploy:

(a) Online energy self-assessment software tools to allow agricultural producers to assess whole-farm energy use and to identify the most cost-effective efficiency opportunities;

(b) Energy auditor training curricula specific to the agricultural sector and designed for use by agricultural producers, conservation districts, agricultural extensions, and commodity groups;

(c) An effective infrastructure of trained energy auditors available to assist agricultural producers with on-farm energy audits and identify cost-share assistance for efficiency improvements; and

(d) Measurement systems for cost savings, energy savings, and carbon emission reduction benefits resulting from efficiency improvements identified by the interdisciplinary team.

(3) The director shall seek to obtain additional resources for this section from federal and state agricultural assistance programs and from other sources.

NEW SECTION. Sec. 110. ACCOUNT CREATED. The energy efficiency assistance account is created in the state treasury. Except for appropriations and federal funds that must be used for low-income weatherization assistance pursuant to chapter 70.164 RCW, a minimum of thirty million dollars of all federal funds received pursuant to the federal American recovery and reinvestment act of 2009 (P.L. 111-5), the federal energy independence and security act of 2007 (P.L. 110-140), the federal energy policy and conservation act (Title 42 U.S.C. Sec. 6321), and the energy efficient appliance rebate program authorized by the federal energy policy act of 2005 (P.L. 109-58), and any other future appropriations in excess of levels of federal fiscal year 2008 for these programs, for the purpose of assisting with energy efficiency assessments, audits, or improvements must be deposited in the account. Other funds, gifts, grants, and endowments from public or private sources, in trust or

otherwise, may be directed into the account. Any moneys received from sponsor match payments must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

PART 2

Low-Income Weatherization Programs

Sec. 201. RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Energy ((~~assessment~~)) audit" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Family wages" means wages that, aggregated over a year, total at least two hundred percent of the poverty guideline for a family of four, as established for the applicable calendar year by the United States department of health and human services, or compliance with prevailing wage provisions under chapter 39.12 RCW or area standard wages for public works as determined by the department of labor and industries, whichever is greater.

(4) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

(((~~(4)~~))) (5) "Low income" means household income ((~~that is at or below one hundred twenty-five percent of the federally established poverty level~~)) as defined by the department, provided that the definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling unit to be weatherized is located.

(((~~(5)~~))) (6) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.

(((~~(6)~~))) (7) "Residence" means a dwelling unit as defined by the department.

(((~~(7)~~))) (8) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, tribal nation, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

(((~~(8)~~))) (9) "Sponsor match" means the share((~~, if any,~~)) of the cost of weatherization to be paid by the sponsor.

(((~~(9)~~))) (10) "Sustainable residential weatherization" or "weatherization" means ((~~materials or measures, and their installation, that are used to improve the thermal efficiency of a residence~~)) activities that use funds administered by the department for one or more of the following: (a) Energy and resource conservation; (b) energy efficiency improvements; (c) repairs, indoor air quality improvements, and health and safety improvements; and (d) client education. Funds administered by the department for activities authorized under this subsection may only be used for the preservation of a dwelling unit occupied by a low-income household and must, to the extent feasible, be used to support and advance sustainable technologies.

(((~~(10)~~))) (11) "Weatherizing agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

Sec. 202. RCW 70.164.040 and 1987 c 36 s 4 are each amended to read as follows:

(1) The department shall solicit proposals for low-income weatherization programs from potential sponsors. A proposal shall state the amount of the sponsor match, the amount requested ((~~from the low-income weatherization assistance account~~)), the name of the weatherizing agency, and any other information required by the department.

(2)(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) Moneys provided by a sponsor pursuant to requirements in this section shall be in addition to and shall not supplant any funding for low-income weatherization that would otherwise have been provided by the sponsor or any other entity enumerated in (a) of this subsection.

(c) No proposal may require any contribution as a condition of weatherization from any household whose residence is weatherized under the proposal.

(d) Proposals shall provide that full levels of all cost-effective, structurally feasible, sustainable residential weatherization materials, measures, and practices, as determined by the department, shall be installed when a low-income residence is weatherized.

(3)(a) The department may in its discretion accept, accept in part, or reject proposals submitted. The department shall allocate funds appropriated from the low-income weatherization assistance account among proposals accepted or accepted in part so as to:

(i) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers ((~~and~~)) over the longest period of time;

(ii) Identify and correct, to the extent practical, health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards;

(iii) Create family-wage jobs that may lead to careers in the construction trades or in the energy efficiency sectors; and

(iv) Leverage, to the extent feasible, environmentally friendly sustainable technologies, practices, and designs.

(b) The department shall, to the extent feasible, ensure a balance of participation in proportion to population among low-income households for: (((~~(a)~~))) (i) Geographic regions in the state; (((~~(b)~~))) (ii) types of fuel used for heating, except that the department shall encourage the use of energy efficient sustainable technologies; (((~~(c)~~))) (iii) owner-occupied and rental residences; and (((~~(d)~~))) (iv) single-family and multifamily dwellings.

(c) The department shall give priority to weatherize dwelling units occupied by low-income households with incomes at or below one hundred twenty-five percent of the federally established poverty level.

(d) The department may allocate funds to a nonutility sponsor without requiring a sponsor match if the department determines that such an allocation is necessary to provide the greatest benefits to low-income residents of the state.

(e) The department shall give priority to sponsors that commit to use best efforts to achieve the standards outlined in section 103(2)(a) through (c) of this act.

(4)(a) A sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization, or (ii) make yearly payments to the low-income weatherization assistance account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the

value of the payments shall not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) The department may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(5) Programs receiving funding under this section must report to the department every six months following the receipt of a grant regarding the number of dwelling units weatherized, family-wage jobs created or maintained, and state certified apprentices employed, with the last report submitted six months after program completion. The director shall verify the accuracy of these reports.

(6) The department shall adopt rules to carry out this section.

Sec. 203 RCW 70.164.050 and 1987 c 36 s 5 are each amended to read as follows:

(1) The department is responsible for ensuring that sponsors and weatherizing agencies comply with the state laws, the department's rules, and the sponsor's proposal in carrying out proposals.

(2) Before a residence is weatherized, the department shall require that an energy ((~~assessment~~)) audit be conducted.

(3) To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

Sec. 204 RCW 70.164.060 and 1987 c 36 s 6 are each amended to read as follows:

Before a leased or rented residence is weatherized, written permission shall be obtained from the owner of the residence for the weatherization. The department shall adopt rules to ensure that: (1) The benefits of weatherization assistance ((~~in connection with a leased or rented residence~~)), including utility bill reduction and preservation of affordable housing stock, accrue primarily to low-income tenants occupying a leased or rented residence; (2) as a result of weatherization provided under this chapter, the rent on the residence is not increased and the tenant is not evicted; and (3) as a result of weatherization provided under this chapter, no undue or excessive enhancement occurs in the value of the residence. This section is in the public interest and any violation by a landlord of the rules adopted under this section shall be an act in trade or commerce violating chapter 19.86 RCW, the consumer protection act.

NEW SECTION. Sec. 205 A new section is added to chapter 70.164 RCW to read as follows:

(1) The department shall coordinate with the Washington State University energy efficiency assistance program created in section 102 of this act in order to maximize the extension of weatherization assistance across low-income and other households. To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

(2) The department may solicit proposals for low-income and other weatherization projects, if providing funding specifically for additional projects. The department shall determine a priority ranking system for determining the order of preference for projects for low-income households.

NEW SECTION. Sec. 206 EXPEDITED LOW-INCOME HOUSEHOLD ENERGY AUDIT PROGRAM GRANTS IN 2009. (1) The legislature finds that conducting energy audits and performing efficiency improvements in low-income households creates family-wage jobs and will stimulate local economies where this work is conducted. Therefore, the legislature directs that where appropriations are made to the low-income weatherization assistance program as part of a federal economic stimulus, the department of community, trade, and economic development shall award grants as quickly as practical for maximum community economic benefit within the parameters stipulated with the funding.

(2) By November 1, 2009, the department of community, trade, and economic development shall report to the appropriate fiscal and policy committees in the senate and house of representatives on the status of grant awards under this section. The report may be combined with that made by the director of the energy efficiency assistance program under section 104 of this act.

PART 3

Consolidation of Weatherization Programs

NEW SECTION. Sec. 301 It is the intent of the legislature that all state administered building weatherization programs are conducted to provide the greatest efficiency in terms of administrative processes, economies of scale, institutional memory, and institutional competence. The legislature also intends by this act to expand state administered building weatherization programs to provide services not only to low-income residents in the state, but also to other residences, farms, commercial buildings, public buildings, public agencies, and other institutions.

NEW SECTION. Sec. 302 (1) The department of community, trade, and economic development and the Washington State University energy extension program shall review:

(a) Low-income weatherization programs, as authorized under chapter 70.164 RCW, weatherization, weatherization services, and energy efficiency programs administered by the state;

(b) The low-income energy assistance program funded by the federal government pursuant to the federal low-income energy assistance act (Title 42 U.S.C. 8623 et seq.);

(c) Weatherization and energy efficiency programs funded by private entities, utilities, the federal government, and other entities; and

(d) Administrative and overhead costs incurred by weatherization and energy efficiency programs.

(2) By July 1, 2010, the department of community, trade, and economic development and the Washington State University energy extension program shall provide to the governor and the appropriate committees of the legislature a report with findings from the review required in subsection (1) of this section and recommendations for the coordination of the state's energy efficiency and weatherization programs, including the low-income energy assistance and low-income weatherization programs under chapter 70.164 RCW and the weatherization program created in section 102 of this act.

(a) The recommendations must include:

(i) Identification of best practices and opportunities to consolidate and create efficiencies and economies of scale;

(ii) Identification of legislative action necessary to maximize the state's receipt of funding for weatherization and energy efficiency purposes; and

(iii) Identification of methods to minimize costs through coordination and potential consolidation of programs.

(b) If the report finds that administrative efficiencies may best be achieved by the transition of functions from one state agency or entity to another, then the recommendations must also include:

(i) Identification of statutory changes necessary to ensure an expeditious and efficient transition with the least programmatic disruption; and

(ii) A timeline for the process that includes methods to phase and synchronize the transition of administrative procedures, records, files, and staff in accordance with the goals and intent of this section and section 301 of this act.

PART 4

Training Programs for Energy Efficiency Jobs

NEW SECTION. Sec. 401 WORKFORCE TRAINING FOR THE PERFORMANCE OF ENERGY AUDITS AND RETROFITS. (1) The legislature finds that it is in the interest of building owners, building residents, and the state that energy audits and energy efficiency services be performed in a manner that is both consistent with current best practices and that provides increased occupational skills, education, and training to workers in the state. The director, in collaboration with the board, the workforce training and education coordinating board, the employment security department, the Washington state building and construction trades council, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction, shall identify the necessary skills and qualifications required to perform the energy audits and energy efficiency services authorized under this act.

(2) The board shall work with the Washington state apprenticeship and training council and the office of the superintendent of public instruction, to jointly develop, by June 30, 2010, curricula and training programs, to include on-the-job training, classroom training, and safety and health training, for the development of the skills and qualifications identified by the director under subsection (1) of this section.

(3) Training resource moneys may be provided from the account for the following purposes:

(a) To develop and deploy curricula and training programs in accordance with subsection (2) of this section;

(b) For the expansion of existing high school, community and technical college, journey level skills improvement and apprenticeship training programs, and community-based training programs providing energy audit and energy efficiency services training;

(c) For the implementation of new training programs developed under the terms of this chapter;

(d) To supplement internship, preapprenticeship, and apprenticeship programs using curricula developed under subsection (2) of this section; and

(e) For other training activities identified by the director to supplement and expand the skills of the existing workforce.

(4) The director shall direct the delivery of education and training resource moneys as necessary to meet demands for jobs, giving priority in distribution of training resource moneys to those educational programs that can provide convincing evidence that they are able to provide the requisite skills education and training expeditiously.

(5) The board shall target a portion of any federal stimulus funding received to ensure commensurate capacity for high employer demand programs of study developed under this section. To that end, the director must coordinate with the workforce training and education coordinating board, the state board for community and technical colleges, or other appropriate state agency in the application for and receipt of such funding that may be made available through the federal youthbuild program, workforce investment act, job corps, or other relevant federal programs.

(6) The Washington apprenticeship and training council shall evaluate the potential of existing apprenticeship and training programs that would produce workers with the skills needed to conduct energy audits and provide energy efficiency services and deliver their findings to the director and the appropriate committees of the legislature as soon as possible, but no later than January 18, 2010.

(7) The director shall direct funding to programs that provide skills education and training services to underserved and disadvantaged communities in the state, in accordance with RCW 43.330.310. This may include, but is not limited to, at-risk youth seeking employment pathways out of poverty and into economic self-sufficiency. The director shall consult with the employment security department to create a strategy to ensure that the workers who receive training under these programs are provided with the type of employment opportunities contemplated by this chapter.

(8) The board shall provide an interim report to the appropriate committees of the legislature by December 1, 2011, and a final report by December 1, 2013, detailing the effectiveness of, and any recommendations for improving, the worker training curricula and programs established in this section.

NEW SECTION. Sec. 402 UNEMPLOYED WORKERS. Community and technical colleges that enroll unemployed workers into the relevant curricula and training programs indicated in this act shall receive funding as indicated in section 2, chapter . . ., Laws of 2009 (section 2 of Engrossed Second Substitute Senate Bill No. 5809).

NEW SECTION. Sec. 403 DESIGNATION OF WORKFORCE TRAINING PROGRAMS FOR THE PERFORMANCE OF ENERGY AUDITS AND RETROFITS. (1) Existing curricula and training programs or programs provided by community and technical colleges in the state developed under section 401 of this act must be recognized as programs of study under RCW 28B.50.273.

(2) Subject to available funding, the board may grant enrollment priority to persons who qualify for waiver under RCW 28B.15.522 and who enroll in curricula and training programs provided by community or technical colleges in the state that have been developed in accordance with section 401 of this act.

PART 5

Energy Efficiency in Publicly Funded Housing

NEW SECTION. Sec. 501 A new section is added to chapter 43.185 RCW to read as follows:

ENERGY AUDITS AND RETROFITS IN PUBLICLY FUNDED HOUSING. (1) The legislature finds that growing preservation and rehabilitation needs in the housing trust fund property portfolio provide opportunities to advance energy efficiency and weatherization efforts for low-income individuals in Washington state while protecting the state's six hundred million dollars in affordable housing investments. Preservation of existing affordable housing, when done in conjunction with weatherization activities, is a cost-effective, prudent, and environmentally friendly strategy to ensure that low-income housing remains durable, safe, and affordable. Therefore, the legislature intends that where federal funds are available for increasing and improving energy efficiency of low-income housing that these funds shall be utilized, subject to federal requirements, for energy audits and implementing energy efficiency measures in the state housing trust fund real estate portfolio.

(2) The department shall review all housing properties in the housing trust fund real estate portfolio and identify those in need of major renovation or rehabilitation. In its review, the department shall survey property owners for information including, but not limited to, the age of the building and the type of heating, cooling, plumbing, and electrical systems contained in the property. The department shall prioritize all renovation or rehabilitation projects identified in the review by the department's ability to:

(a) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers over the greatest period of time;

(b) Promote the greatest possible health and safety improvements for residents of low-income households; and

(c) Leverage, to the extent feasible, technologically advanced and environmentally friendly sustainable technologies, practices, and designs.

(3) Subject to the availability of amounts appropriated for this specific purpose, the department shall use the prioritization of potential energy efficiency needs and opportunities in subsection (2) of this section to make offers of energy audit services to project owners and operators. The department shall use all practicable means to achieve the completion of energy audits in at least twenty-five percent of the properties in its portfolio that exceed twenty-five years in age, by June 30, 2011. Where the energy audits identify cost-effective weatherization and other energy efficiency measures, the department shall accord a priority within appropriated funding levels to include funding for energy efficiency improvements when the department allocates funding for renovation or rehabilitation of the property.

PART 6
Miscellaneous

NEW SECTION. Sec. 601 Sections 101 through 110 and 401 through 403 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 602 Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 603 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. 604 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.

NEW SECTION. Sec. 605 The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009

2SSB 5676 Prime Sponsor, Committee on Ways & Means: Providing for career and technical education opportunities for middle school students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hunter; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5688 Prime Sponsor, Committee on Ways & Means: Expanding the rights and responsibilities of state registered domestic partners. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5723 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Providing support for small business assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.30.530 and 1984 c 77 s 1 are each amended to read as follows:

(1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with ((~~public and private community development and economic assistance agencies and shall work towards the goal of coordinating activities with such agencies to avoid duplication of services~~)) the department of community, trade, and economic development, the state board for community and technical colleges, the higher education coordinating board, the workforce training and education coordinating board, the employment security department, the Washington state economic development commission, associate development organizations, and workforce development councils to:

(a) Integrate small business development centers with other state and local economic development and workforce development programs;

(b) Target the centers' services to small businesses;

(c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;

(d) Establish and expand small business development center satellite offices when financially feasible; and

(e) Coordinate delivery of services to avoid duplication.

(3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business ((~~and~~)) development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry out the center's purposes. When drawing on funds from the business assistance account created in section 3 of this act, the center must first use the funds to make increased management and technical assistance available to small and start-up businesses at satellite offices. The funds may also be used to develop and expand assistance programs such as small business planning workshops and small business counseling.

(5) The legislature directs the small business development center to request United States small business administration approval of a special emphasis initiative, as permitted under 13 CFR 130.340(c) as of April 1, 2009, to target assistance to Washington state's smaller businesses. This initiative would be negotiated and included in the first cooperative agreement application process that occurs after the effective date of this section.

(6) By December 1, 2009, and December 1, 2010, respectively, the center shall provide a written progress report and a final report to the appropriate committees of the legislature with respect to the requirements in subsections (2) and (5) of this section and the amount and use of funding received through the business assistance account. The reports must also include data on the number, location, staffing, and budget levels of satellite offices; affiliations with community colleges, associate development organizations or other local organizations; the number, size, and type of small businesses assisted; and the types of services provided. The reports must also include information on the outcomes achieved, such as jobs created or retained, private capital invested, and return on the investment of state and federal dollars.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.30 RCW to read as follows:

The business assistance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the expansion of business assistance services delivered by the small business development center created in RCW 28B.30.530. Only the administrator of the center or the administrator'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.

Sec. 3. RCW 30.60.010 and 2008 c 240 s 1 are each amended to read as follows:

(1) In conducting an examination of a bank chartered under Title 30 RCW, the director shall investigate and assess the record of performance of the bank in meeting the credit needs of the bank's entire community, including low and moderate-income neighborhoods. The director shall accept, in lieu of an investigation or part of an investigation required by this section, any report or document that the bank is required to prepare or file with one or more federal agencies by the act of Congress entitled the "Community Reinvestment Act of 1977" and the regulations promulgated in accordance with that act, to the extent such reports or documents assist the director in making an assessment based upon the factors outlined in subsection (2) of this section.

(2) In making an investigation required under subsection (1) of this section, the director shall consider, independent of any federal determination, the following factors in assessing the bank's record of performance:

(a) Activities conducted by the institution to ascertain credit needs of its community, including the extent of the institution's efforts to communicate with members of its community regarding the credit services being provided by the institution;

(b) The extent of the institution's marketing and special credit related programs to make members of the community aware of the credit services offered by the institution;

(c) The extent of participation by the institution's board of directors in formulating the institution's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act of 1977;

(d) Any practices intended to discourage applications for types of credit set forth in the institution's community reinvestment act statement(s);

(e) The geographic distribution of the institution's credit extensions, credit applications, and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The institution's record of opening and closing offices and providing services at offices;

(h) The institution's participation, including investments, in local community and microenterprise development projects;

(i) The institution's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The institution's participation in governmentally insured, guaranteed, or subsidized loan programs for housing, small businesses, or small farms;

(k) The institution's ability to meet various community credit needs based on its financial condition, size, legal impediments, local economic condition, and other factors;

(l) The institution's contribution of cash or in-kind support to local or statewide organizations that provide counseling, training, financing, or other services to small businesses; and

(m) Other factors that, in the judgment of the director, reasonably bear upon the extent to which an institution is helping to meet the credit needs of its entire community.

(3) The director shall include as part of the examination report, a summary of the results of the assessment required under subsection (1) of this section and shall assign annually to each bank a numerical community reinvestment rating based on a one through five scoring system. Such numerical scores shall represent performance assessments as follows:

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5735 Prime Sponsor, Committee on Ways & Means: Reducing greenhouse gas emissions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** FINDINGS. The legislature finds that Washington should maintain its leadership on climate change by continuing Washington's participation in the development of any federal or regional programs to reduce greenhouse gas emissions.

The legislature finds that by continuing its participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington maximizes its ability to influence and shape those programs so that they may reflect Washington's emissions portfolio, including the state's hydroelectric system, aid Washington's forest resources and agricultural industries, reduce Washington's expenditures on imported fuels, and create a strong economy.

The legislature further finds that by continuing Washington's participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington has the opportunity to protect Washington families and small businesses from undue financial impacts arising from the transition to a clean energy future, to protect Washington's economy from disadvantages resulting from competition with industries that do not participate in carbon control efforts, and provide appropriate credit for those businesses that have taken early actions to reduce greenhouse gas emissions.

The legislature further finds that well-designed climate policies should mitigate any impacts on the cost and affordability of food, housing, energy, transportation, and other routine expenses on low and moderate-income people, and ensure that economic benefits are available to both urban and rural communities, and to traditionally underserved communities.

The legislature further finds the continued efforts to reduce greenhouse gases in the transportation sector through the continued development of alternative fuels, improved vehicle technologies, and providing choices that reduce overall vehicle miles traveled to be critical steps in creating jobs, fostering economic growth, and reducing our reliance on foreign petroleum-based transportation fuels.

NEW SECTION. Sec. 2. NATIONAL AND REGIONAL GREENHOUSE GAS REDUCTION PROGRAMS. (1) The office of the governor and the department are directed to represent the state's interests in the development of a national program to reduce greenhouse gas emissions. As part of this effort, the department is directed to continue to participate in the western climate initiative to develop a regional program to reduce greenhouse gas emissions. This regional program must be used to influence the national program to reduce greenhouse gas emissions.

(2) In order to provide needed information to the legislature, government agencies, and those persons who are responsible for significant emissions of greenhouse gases so that they may effectively plan for the long-term emissions reductions under RCW 70.235.020, the department shall develop:

(a) Its best estimate of emissions levels in 2012 for persons that the department reasonably believes emit twenty-five thousand metric tons of carbon dioxide equivalent or greater each year;

(b) The trajectory of emissions reductions necessary to meet the 2020 requirement of reducing the state's greenhouse gas emissions to 1990 levels; and

(c) An assessment of the state's emissions sources and sectors where reductions in the state's greenhouse gas emissions cannot be realized and the sectors are necessary to ensure the economic viability of the state.

(3) The department shall develop the estimated 2012 emissions levels and the 2020 reduction trajectories in consultation with business and other interested stakeholders by December 15, 2009. The reduction trajectories must reflect the department's best estimate of each person's proportionate share of the 2020 reductions and must consider each person's use of industry best practices and of fuels that are either carbon neutral or that do not emit greenhouse gases. Consideration may be given to industries whose processes are inherently energy intensive.

(4) The department shall provide each person with its estimate of the person's 2012 emissions levels and the 2020 reduction trajectory as soon as they are available, but no later than December 15, 2009. Each person or groups of persons representing a sector of Washington's economy may recommend strategies or actions to the department that they believe would achieve the needed reductions. The recommendations must be provided to the department by June 15, 2010.

(5) The department shall provide a report to the legislature by December 31, 2010, that includes the 2012 emissions estimates, the 2020 reduction trajectories, and the strategies and actions, including complementary policies that collectively will achieve the state's 2020 emissions reduction in RCW 70.235.020. The report must also include a description of any additional authority that is needed to implement the identified strategies or actions.

(6) For purposes of this section, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood byproducts, including pulping liquor, and wood residuals may not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

NEW SECTION. Sec. 3. ACCOUNTABILITY. The governor shall designate a currently employed full-time equivalent person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with this designee. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted in the agency, they must be shifted to current full-time equivalent allocations.

NEW SECTION. Sec. 4. FORESTRY OFFSET POLICY. The department, in consultation with the department of natural resources and the forest carbon working group, shall develop recommendations for the state's policy for forestry offset projects within Washington. The agencies and the forest carbon working group must use the 2008 report of the forest carbon working group as the starting point in developing the policy. The final policy must be submitted to the legislature by December 31, 2010. The policy recommendations must address:

(1) Specific standards and guidelines that will support carbon accounting in managed forests participating in an offset program;

(2) Recommendations on how any carbon that is reduced or sequestered by a forestry offset project may be eligible for an offset credit available to coal-fired power plants under section 7 of this act, and within regional and federal climate policies;

(3) Recognition of management activities that increase carbon stocks including, but not limited to, thinning, lengthening rotations, increased retention of trees after harvest, fertilization, genetics,

timber stand improvement, fire management, and specific site class and productivity of a managed forest;

(4) Specific standards and guidelines to support wood products accounting, recognizing that carbon is stored in products after trees are harvested, including the use of the one hundred year method which estimates the amount of carbon stored in the wood products that are projected to remain in use over one hundred years;

(5) Guidelines on how transfer of development rights or on-site cluster development projects may be used to create forestry offset projects;

(6) Guidelines on how forestry offset projects and forestry financial incentive programs can work together so that Washington's forest landowners will not be disadvantaged in comparison to other jurisdictions participating in a national or regional cap and trade program;

(7) How to verify or certify carbon stocks in a manner that will not be administratively burdensome; and

(8) Specific standards for how landowners who are no longer able or willing to meet their offset obligations can opt out of the program. The specific standards must require the landowner to procure other allowances or offsets equal to the offsets issued under the management plan for any offsets they have sold and surrender those offsets and any unsold offsets to the state.

NEW SECTION. Sec. 5. FINANCIAL INCENTIVES FOR FORESTRY. The department of ecology, in consultation with the department of natural resources and the forest carbon working group, shall develop and deliver to the legislature by December 31, 2010, recommendations for financial incentives for forestry and forest products that will recognize and encourage forest land management and use of forest products that will maintain or increase carbon sequestration, including, but not limited to:

(1) Thinning, lengthening of rotations, increased retention of trees at harvest, fertilization, genetics, timber stand improvement, and fire management;

(2) Production of wood products while maintaining or increasing carbon stocks on the ground; and

(3) Retention of high carbon stocks where there is no obligation to retain such stocks.

NEW SECTION. Sec. 6. AGRICULTURAL OFFSET POLICY. The department, in consultation with Washington State University, the department of agriculture, and the agriculture carbon working group shall develop recommendations for agricultural offset projects within Washington. The agencies and the agricultural carbon working group must use the 2008 report of the agricultural carbon working group as the starting point in developing the policy. The final recommendations of the agriculture carbon working group must be submitted to the legislature by December 31, 2010. The policy recommendations must address:

(1) A process and timeline to survey, catalog, and map Washington soils in a manner that describes the carbon soil sequestration level of the soils;

(2) Activities that would increase carbon sequestration in soils and therefore potentially qualify as offset projects; and

(3) Recommendations on how any carbon that is reduced or sequestered by an agricultural offset project may be eligible for an offset credit available to coal-fired power plants under section 7 of this act, and within regional and federal climate policies.

NEW SECTION. Sec. 7. A new section is added to chapter 70.94 RCW to read as follows:

STANDARDS FOR COAL-FIRED POWER PLANTS. (1) This section only applies to coal-fired power plants within Washington that burn over one million tons of coal per year.

(2) By 2015, coal-fired power plants must reduce emissions of greenhouse gases by one million metric tons unless the state is participating in a national or regional cap and trade program by or during 2012 that covers the emissions from these plants.

(3) The department shall negotiate and implement a compliance agreement with the coal-fired power plants covered by this section that describes how the required emissions reduction will be accomplished. The compliance agreement may include, but is not limited to, measures such as the substitution of biomass and other renewable resources for more carbon-intensive fuels as well as the limited use of offset projects. No more than forty-nine percent of the total emissions reductions from the coal-fired power plants covered by this section may be satisfied with offsets. The department shall report to the legislature on the status and content of the compliance agreement by December 31, 2011.

(4)(a) If an order or approval is required as a result of the reductions required under subsection (2) of this section, the department shall issue the order or approval within sixty days of receipt of a complete application that demonstrates to the department's satisfaction that the coal-fired power plant will achieve the emissions reduction required by this section.

(b) Within thirty days after issuing an order or approval, the department must submit to the legislature notice of the issuance of an order or approval and the findings that led to the issuance of the order or approval. The department must also post the notice of the issuance of an order or approval and the findings that led to the issuance of the order or approval on their department web site.

(5) If a coal-fired power plant subject to this section has begun to reduce its emissions as a result of this requirement and the state subsequently participates in a national or regional cap and trade program, the state shall advocate for appropriate credit to be given for these early reductions.

(6) If the compliance agreement under this section requires substitution of biomass or other renewable resources for more carbon intensive fuels, the substitution does not constitute an upgrade as defined in RCW 80.80.010.

NEW SECTION. Sec. 8. A new section is added to chapter 47.38 RCW to read as follows:

ALTERNATIVE FUELS CORRIDOR PILOT. (1) As a necessary and desirable step to encourage public and private investment in both electric vehicle infrastructure and alternative fuel distribution infrastructure, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies, and providing alternative fuel distribution sites.

(2) To the extent permitted under federal programs, rules, or law, the department of transportation shall pursue partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. The department of transportation shall strive to have the partnership agreement in place by June 30, 2010. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department of transportation;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling and recharging services to class six trucks with

a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department of transportation is not responsible for providing capital equipment or operating refueling or recharging services. The department of transportation must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature at least every biennium.

NEW SECTION. Sec. 9. A new section is added to chapter 43.19 RCW to read as follows:

ELECTRIFICATION OF THE WEST COAST INTERSTATE. (1) The office of the governor, in consultation with the department of community, trade, and economic development, the department of ecology, the department of general administration, the department of transportation, and Washington State University, shall develop a project for the electrification of the west coast interstate and associated metropolitan centers.

(2) The project should be developed in collaboration with representatives of Oregon and California, the federal government, and the private sector, as appropriate.

(3) The state shall seek federal funds for purchasing electric vehicles and the installation of public infrastructure for electric and other high-efficiency, zero or low-carbon vehicles. The department of ecology shall also seek funds to expand the network of truck stop electrification facilities and port electrification facilities.

Sec. 10. RCW 47.80.030 and 2005 c 328 s 2 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, 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 to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) Regional transportation planning organizations encompassing at least one county planning under RCW 36.70A.040 with a population greater than two hundred forty-five thousand must adopt a regional transportation plan for those counties that implement the goals to reduce annual per capita vehicle miles traveled under RCW 47.01.440.

(3) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

((~~(3)~~)) (4) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

(5) In satisfying the requirements of subsections (2) and (3) of this section, the organization shall review and document consistency with locally adopted comprehensive plans of all jurisdictions fully planning under chapter 36.70A RCW within the boundary of the organization and shall identify any potential conflicts between the locally adopted comprehensive plans and regional efforts to reduce per capita vehicle miles.

Sec. 11. RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

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

(2) The department of general administration is directed to work with California, Oregon, other states, federal agencies, local governments, and private fleet owners to encourage aggregate purchasing of electric vehicles to the maximum extent possible.

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

NEW SECTION. Sec. 12. TRIBAL GOVERNMENTS. (1) The department must consult with tribal governments upon request on elements of the state's climate change program that may impact tribal governments, such as their voluntary development of offset projects.

(2) Nothing in this chapter is intended to expand state authority over Indian country as that term is defined in 18 U.S.C. Sec. 1151.

NEW SECTION. Sec. 13. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 14. Sections 1 through 4 and 6 of this act are each added to chapter 70.235 RCW.

NEW SECTION. Sec. 15. 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. 16. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5752 Prime Sponsor, Committee on Health & Long-Term Care: Regarding cost recovery in disciplinary proceedings involving dentists. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5765 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the fruit and vegetable district fund. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5809 Prime Sponsor, Committee on Ways & Means: Revising unemployment compensation and workforce training provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5811 Prime Sponsor, Committee on Human Services & Corrections: Concerning foster child placements. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Children's Services. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member and Ericksen.

Passed to Committee on Rules for second reading.

April 3, 2009

E2SSB 5850 Prime Sponsor, Committee on Ways & Means: Protecting workers from human trafficking violations. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

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

(1) "Domestic employers of foreign workers" means a person or persons residing in the state of Washington who recruit or employ a foreign worker to perform work in Washington state.

(2) "Foreign worker" or "worker" means a person who is not a citizen of the United States and who comes to Washington state based on an offer of employment. "Foreign worker" or "worker" does not include persons who hold an H-1B visa and come to work in the state.

(3) "International labor recruitment agency" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and offers Washington state entities engaged in the employment or recruitment of foreign workers, employment referral services involving citizens of a foreign country or countries by acting as an intermediary between these foreign workers and Washington employers.

NEW SECTION. Sec. 2. (1) Domestic employers of foreign workers and international labor recruitment agencies must provide a disclosure statement as described in this section to foreign workers who have been referred to or hired by a Washington employer.

(2) The disclosure statement must:

(a) Be provided in English or, if the worker is not fluent or literate in English, another language that is understood by the worker;

(b) State that the worker may be considered an employee under the laws of the state of Washington and is subject to state worker health and safety laws and may be eligible for workers' compensation insurance and unemployment insurance;

(c) State that the worker may be subject to both state and federal laws governing overtime and work hours, including the minimum wage act under chapter 49.46 RCW;

(d) Include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing;

(e) Include an itemized listing of the international labor recruitment agency's fees;

(f) State that the worker has the right to control over his or her travel and labor documents, including his or her visa, at all times and that the employer may not require the employee to surrender those documents to the employer or to the international labor recruitment agency while the employee is working in the United States, except as otherwise required by law or regulation or for use as supporting documentation in visa applications;

(g) Include a list of services or a hot line a worker may contact if he or she thinks that he or she may be a victim of trafficking.

(3) The department of labor and industries may create a model disclosure form and post the model form on its web site so that domestic employers of foreign workers and international labor recruitment agencies may download the form, or mail the form upon request. The disclosure statement must be given to the worker no later than the date that the worker arrives at the place of employment in Washington.

NEW SECTION. Sec. 3. For purposes of establishing personal jurisdiction under this chapter, an international labor recruitment agency or a domestic employer of a foreign worker is deemed to be doing business in Washington and is subject to the jurisdiction of the courts of Washington state if the agency or employer contracts for employment services with a Washington resident or is considered to be doing business under any other provision or rule of law.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 5. RCW 18.71.080 and 1996 c 191 s 52 are each amended to read as follows:

(1) Every person licensed to practice medicine in this state shall pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280. The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management.

(2) The office of crime victims advocacy shall supply the commission with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The commission shall disseminate this information to licensees by: Providing the information on the commission's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the commission. The commission shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) The commission, in its sole discretion, may permit an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 6. RCW 18.83.090 and 1996 c 191 s 68 are each amended to read as follows:

(1) The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal.

(2) The office of crime victims advocacy shall supply the board with information on methods of recognizing victims of human

trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The board shall disseminate this information to licensees by: Providing the information on the board's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the board. The board shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) Administrative procedures, administrative requirements, and fees for renewal and reissue of licenses shall be established as provided in RCW 43.70.250 and 43.70.280.

Sec. 7. RCW 18.225.040 and 2001 c 251 s 4 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

(7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;

(8) Implement and administer a program for consumer education in consultation with the committee;

(9) Adopt rules implementing a continuing education program in consultation with the committee;

(10) The office of crime victims advocacy shall supply the committee with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The committee shall disseminate this information to licensees by: Providing the information on the committee's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the committee. The committee shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection;

(11) Maintain the official record of all applicants and licensees; and

((~~(11)~~)) (12) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

E2SSB 5854 Prime Sponsor, Committee on Ways & Means: Reducing climate pollution in the built environment. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Technology, Energy & Communications.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

NEW SECTION. Sec. 2. The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

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

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

NEW SECTION. Sec. 3. (1) To the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 4. RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ((~~No later than January 1, 1991,~~)) The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework((~~. The Washington state energy code shall be designed to~~)); and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ((~~require:~~

~~(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;~~

~~(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);~~

~~(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~(vi) Double glazed windows with values not more than U-0.4;~~

~~(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and~~

~~(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.~~

~~(b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;~~

~~(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);~~

~~(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;~~

~~(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and~~

~~(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.~~

~~(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.~~

~~(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.~~

~~(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may~~

~~develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better~~)) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(((~~(6)~~))) (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ((~~1986~~)) 2006 edition, or as amended by the council by rule.

(((~~(7)~~))) (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(((~~(8)~~))) (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ((~~The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.~~)) The director of the department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 8. (1) The requirements of this section apply to the department of general administration and other qualifying state agencies only to the extent that specific appropriations are provided to those agencies referencing this act or chapter number and this section.

(2) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(3) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(4) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(5) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(6) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(7) For each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(8) Schools are strongly encouraged to follow the provisions in subsections (2) through (7) of this section.

(9) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score below fifty. The department of general administration shall establish a process to determine viability.

(10) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

Sec. 9. RCW 43.82.045 and 2007 c 506 s 5 are each amended to read as follows:

(1) State agencies are prohibited from entering into lease agreements for privately owned buildings that are in the planning stage of development or under construction unless there is prior written approval by the director of the office of financial management. Approval of such leases shall not be delegated. Lease agreements described in this section must comply with RCW 43.82.035.

(2) The director of the office of financial management shall require that:

(a) An American society of heating, refrigerating and air-conditioning engineers level 1 walk-through audit has been completed within the last two years and submitted to the department of general administration before any state agency enters into a lease agreement, including lease renewals, for privately owned buildings greater than ten thousand square feet. An American society of heating, refrigerating and air-conditioning engineers level 1 walk-through audit is defined as assessing a building's energy cost and efficiency by analyzing energy bills and conducting a brief survey of the building. A level 1 energy audit will identify and provide a savings and cost analysis of low-cost/no-cost measures. It will also provide a listing of potential capital improvements that merit further consideration, along with an initial judgment of potential costs and savings.

(b) A new lease or lease renewal will not be entered into until the owner or lessor agrees to perform an investment grade audit based on the findings of the American society of heating, refrigerating and air-conditioning engineers level 1 walk-through as part of the lease agreement.

(c) A lease will not be entered into unless the owner or lessor agrees to make the energy conservation upgrades as part of the lease agreement, based on the investment grade audit, to the building within the first two years of the lease agreement.

NEW SECTION. Sec. 10. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5882 Prime Sponsor, Committee on Human Services & Corrections: Remediating racial disproportionality in child welfare practices. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5916 Prime Sponsor, Committee on Ways & Means: Authorizing the department of information services to engage in high-speed internet adoption, deployment, and digital inclusion activities. (REVISED FOR ENGROSSED: Regarding broadband adoption and deployment.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Technology, Energy & Communications.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds and declares the following:

(1) The deployment and adoption of high-speed internet services and technology advancements enhance economic development and public safety for the state's communities, and offers improved health care, access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents.

(2) Improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(3) The state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses. This includes ensuring digital inclusion in internet access, computer literacy, and information content, so that all Washingtonians are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, size of business, or business entity structure.

(4) In light of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is essential that the legislature authorize a broadband programs management structure and an advisory council capable of developing and ensuring the implementation of statewide broadband strategies.

Sec. 2. RCW 28B.32.010 and 2008 c 262 s 6 are each amended to read as follows:

The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the ((~~Washington State University extension, in consultation with the~~)) department of information services. The ((~~Washington State University extension~~)) department may contract for services in order to carry out the ((~~extension's~~)) department's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

Sec. 3. RCW 28B.32.020 and 2008 c 262 s 7 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the community technology opportunity program administrator designated by the ((~~Washington State University extension~~)) department.

(2) "Community technology programs" means ((~~a program, including a digital inclusion program, engaged in diffusing information and communications technology in local communities, particularly in underserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, and development of locally relevant content and delivery of vital services through technology~~)) programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, development of locally relevant content, and delivery of vital services through technology. Community technology programs are usually provided by nonprofit or public agencies in public community settings, including youth and community centers, small business and workforce training centers, mutual assistance associations and settlement houses, low-income housing units, libraries, or schools opened for community programs.

(3) "Department" means the department of information services.

Sec. 4. RCW 28B.32.030 and 2008 c 262 s 8 are each amended to read as follows:

The Washington community technology opportunity account is established in the state treasury. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only for the operation of the community technology opportunity program as provided in RCW 28B.32.010 (as recodified by this act). Only the administrator or the administrator's designee may authorize expenditures from the account.

NEW SECTION. Sec. 5. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies with a minimum download speed greater than or equal to seven hundred sixty-eight kilobits per second and an upload speed greater than two hundred kilobits per second.

(2) "Council" means the advisory council on digital inclusion created in section 7 of this act.

(3) "Department" means the department of information services.

(4) "High-speed internet" means broadband.

(5) "Underserved areas" means: (a) Areas in which high-speed internet download speeds are less than seven hundred sixty-eight kilobits per second and upload speeds are less than two hundred kilobits per second; (b) any census tract that is located in a federally designated empowerment zone, enterprise community, renewal community, or low-income community; (c) an area with a significant population of economically disadvantaged residents; or (d) an area in which a significant population of the residents are not able to adopt broadband because of disability, affordability of computers or software, or a lack of technological literacy.

NEW SECTION. Sec. 6. (1) The authority for overseeing broadband adoption and deployment efforts for the state is vested in the department of information services.

(a) The department is the single eligible entity in the state to receive a grant for state projects under the federal broadband data improvement act, P.L. 110-385.

(b) Funding received by the department for state projects under the federal broadband data improvement act, P.L. 110-385, must be used in accordance with the requirements of that act and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state to achieve the purposes of that act.

(2) The department may apply for and oversee implementation of federally funded or mandated broadband programs and may adopt rules to administer the programs. These programs may include but are not limited to the following:

(a) Contracting for and purchasing a completed map of privately controlled or owned broadband infrastructure. The map may include, but is not limited to, adoption information, availability information, types of technology used, the physical location of broadband infrastructure, and available speed tiers for high-speed internet;

(b) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and adoption of high-speed internet and related information technology for the purpose of identifying barriers to adoption;

(c) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(d) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(e) Creating, implementing, and administering programs to improve computer ownership, technology literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(f) Administering the community technology opportunity program under chapter 28B.32 RCW (as recodified by this act); and

(g) Creating additional programs to spur the development of high-speed internet resources in the state, which may include, but is not limited to:

(i) Applying for and receiving funding in the form of grants or donations which may be deposited into the Washington community technology opportunity account created in RCW 28B.32.030 (as recodified by this act);

(ii) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware and software purchasing programs;

(iii) Developing last-mile technology loan programs targeting small businesses or businesses located in unserved and underserved areas; and

(iv) Including community technology organizations in state hardware and software purchasing programs.

NEW SECTION. Sec. 7. (1) The department shall reconvene the high-speed internet work group previously established by chapter 262, Laws of 2008. The work group is renamed the advisory council on digital inclusion, and is an advisory group to the department. The council must include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, local governments, and governmental entities that are engaged in community technology activities.

(2) The council shall prepare a report by January 15th of each year and submit it to the department, the governor, and the appropriate committees of the legislature. The report must contain:

(a) An analysis of how support from public and private sector partnerships, the philanthropic community, and other not-for-profit organizations in the community, along with strong relationships with the state board for community and technical colleges, the higher education coordinating board, and higher education institutions, could establish a variety of high-speed internet access alternatives for citizens;

(b) Proposed strategies for continued broadband deployment and adoption efforts, as well as further development of advanced telecommunications applications;

(c) Recommendations on methods for maximizing the state's research and development capacity at universities and in the private sector for developing advanced telecommunications applications;

(d) An identification of barriers that hinder the advancement of technology entrepreneurship in the state and recommendations on incentives to stimulate the demand for and development of these applications and services; and

(e) An evaluation of programs designed to advance digital literacy and computer access that are made available by the federal government, local agencies, telecommunications providers, and business and charitable entities.

Sec. 8. RCW 43.105.350 and 2008 c 262 s 3 are each amended to read as follows:

(1) For purposes of compliance with section 2, chapter 262, Laws of 2008 or any subsequent high-speed internet deployment and adoption initiative, the department ((~~of information services~~)), the department of community, trade, and economic development, the utilities and transportation commission, and any other government agent or agency ((~~shall not~~)) engaged in the high-speed internet mapping, deployment, or adoption activities prescribed in this chapter may gather or request any information related to high-speed internet infrastructure or service from providers of

telecommunications or high-speed internet services that is classified by the provider as proprietary or competitively sensitive, as long as the proprietary or competitively sensitive components of such information is maintained in a confidential manner solely by a nongovernmental third-party mapping entity as described in this chapter and as long as the relevant aggregated information is made available to the department or government agent or agency.

(2) Nothing in this section may be construed as limiting the authority of a state agency or local government to gather or request information from providers of telecommunications or high-speed internet services for other purposes pursuant to its statutory authority.

NEW SECTION. Sec. 9. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 10. Sections 1, 5, 6, 7, and 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. RCW 28B.32.010, 28B.32.020, 28B.32.030, 28B.32.900, and 28B.32.901 are each recodified as a new chapter in Title 43 RCW.

NEW SECTION. Sec. 12. 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. 13. 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 July 1, 2009.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5921 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Creating a clean energy leadership initiative. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Technology, Energy & Communications. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5941 Prime Sponsor, Committee on Ways & Means: Regarding a comprehensive education data improvement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative ((~~education [evaluation]~~)) evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(((~~(b)~~))) (c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(((~~(c)~~))) (d) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to

adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(e) Track enrollment and outcomes through the public centralized higher education enrollment system;

(((~~(d)~~))) (f) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; ((~~and (e)~~))) (g) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(h) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and section 2 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

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

(1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. Furthermore, the benefits of significant increases in the amount of data available for analysis must be carefully weighed against the costs to school districts to enter, update, maintain, and submit the data and to implement new software and data management systems. It is the legislature's intent that the K-12 education data improvement system serve the information needs of educators, parents, policymakers, and the public but remain focused on the primary purpose of improving education.

(2) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator assignment information, including but not limited to grade level and courses taught, building or location, program, job assignment, years of experience, and compensation;

(b) The capacity to link educator assignment information with educator certification information;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, and performance on assessments;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) Student data that is sufficiently disaggregated to permit monitoring and analysis of progress in closing the achievement gap;

(g) The capacity to link educator information with student information;

(h) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures to support the accuracy and auditing of financial data;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs; and

(k) Information that is centrally accessible and updated regularly.

(3) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support the comprehensive K-12 education data improvement system.

(4) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400 and this section only to the extent funds are available for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.655 RCW to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district and educational service district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under section 2 of this act;

(c) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of education data systems and programs currently used by school districts and the state;

(d) Place a priority on financial and cost data necessary to support K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and

on assuring the capacity to link data across financial, student, and educator systems; and

(e) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. The operating rules shall address such issues as:

(i) Standards for privacy and confidentiality;

(ii) Data collection priorities;

(iii) A standard data dictionary;

(iv) Ensuring data accuracy; and

(v) Establishing minimum standards for school, student, financial, and educator data systems.

(4) The work of the K-12 data governance group may be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

NEW SECTION. Sec. 4. The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement this act.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Hunt.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5943 Prime Sponsor, Committee on Ways & Means: Requiring performance-based contracts for the provision of child welfare services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that extensive research conducted by the Washington state institute for public policy demonstrates the potential for appreciable savings in the state's child welfare budget by deploying a core set of evidence-based and promising programs designed to strengthen families and prevent children from entering the foster care system and reducing the length of stay for children who do enter the system. The legislature further finds that achieving improved outcomes for child safety and long-term family strength and well-being requires renewed thinking and a greater emphasis on expanding the capacity to deliver evidence-based and promising prevention and intervention services, earlier positive engagement with parents and children, more flexibility to focus on timely permanency outcomes, and more effective utilization of community resources and private partners. The legislature also finds that the goal of achieving lasting change in the state's child welfare system requires building and sustaining the serving capacity of prevention and early intervention programs through the reinvestment of savings from reduced foster care caseloads. The legislature further finds that implementation of these reforms should be approached through collaborative analysis and planning that includes the relevant state agencies, Indian tribes and recognized Indian organizations, community partners, and other stakeholders. The legislature intends to direct the development of a plan for the first phase of implementation to begin January 1, 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) The children's administration within the department shall implement two demonstration reform initiatives utilizing performance-based contracts for an array of evidence-based and promising prevention and intervention services for families who are at risk for an out-of-home placement or have a child in out-of-home care, and for children who are awaiting adoption. Pursuant to RCW 41.06.142(3), performance-based contracting under this section is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5). Two sites shall be selected, one for each of the following approaches to the implementation of performance-based contracting:

(a) Performance-based contracts shall govern the delivery of all child welfare services, including case management services; voluntary and in-home services; out-of-home care services; and permanency services relating to reunification, relative search, guardianship, adoption, and preparation for independent living; and

(b) The department shall continue to provide the services customarily and historically provided by the department and shall continue to supervise all services, but may contract for the provision of services it deems necessary to achieve the desired performance goals. To the extent that the department contracts for services, including voluntary and in-home services; out-of-home care services; and permanency services relating to reunification, relative search, guardianship, adoption, and preparation for independent living, those contracts shall contain performance-based outcomes.

(2) The children's administration shall retain statewide responsibility for:

(a) Child protection functions and services, including intake and investigation of allegations of child abuse and neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers, services, or programs; and

(b) The issuance of licenses relating to child protection and child welfare services, including but not limited to licenses for foster family homes, group homes, and other facilities serving children.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) The performance contracting oversight committee is established for the primary purpose of providing expertise, structure, guidance, and oversight for the implementation of sections 1 through 5 of this act. Membership of the committee shall include:

(a) Two representatives from private nonprofit agencies providing child welfare services to children and families referred by the department, including one representative of licensed child placing agencies;

(b) The assistant secretary of the children's administration in the department, who shall serve as cochair of the committee;

(c) One regional administrator and one area administrator in the children's administration selected by the assistant secretary;

(d) The administrator for the division of licensed resources in the children's administration;

(e) Two nationally recognized experts in performance-based contracting;

(f) The attorney general or his or her designee;

(g) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(h) A representative from the office of the family and children's ombudsman;

(i) Two representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(j) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judges' association;

(k) One representative from partners for our children affiliated with the University of Washington school of social work, who shall serve as cochair of the committee;

(l) Two members of the legislature, one from each chamber, selected jointly by the speaker of the house of representatives and the president of the senate; and

(m) A representative of foster care providers.

(2) The cochairs of the committee shall convene the first meeting of the committee by June 15, 2009.

(3) The committee shall develop the criteria for the implementation of performance-based contracts at the demonstration sites in a manner to minimize any potential loss of federal funds. The criteria must be sufficient for the children's administration to develop requests for proposal and must describe:

(a) The services to be delivered under the contracts in order to assure providers have the flexibility to provide adequate, appropriate, and relevant evidence-based and promising services to individual children and families;

(b) The outcome measures to be used to evaluate performance under the contracts and the tools to be utilized to collect and report data on performance;

(c) The procedure for referring families to contracted providers, including clear protocols for continued communication or coordination between contracted providers and the children's administration, and Indian tribes in order to assure child safety and well-being and to promote the family's engagement;

(d) The rate structures of the contracts, including incentives and reinvestments, if any, as well as how performance will be linked to opportunities to bid on future contracts;

(e) A plan for communicating with the multiple child-serving systems within the demonstration site regarding implementation of the contracts, including clear descriptions of new roles and functions of contracted case managers, where appropriate. The communication plan shall include a process for early and ongoing communications throughout the demonstration site, including a process for establishing and maintaining communication with Indian tribes and organizations within the demonstration site;

(f) Methods to be used for monitoring contract performance, assuring quality of services, and ensuring compliance with state and federal laws including, but not limited to, requirements tied to federal funding for foster care, and the Indian child welfare act as well as the related guidelines and protocols established between the state and tribes;

(g) Estimates of start-up costs, including a discussion of how those costs will be distributed under the contracts; and

(h) Recommendations for the distribution of legal and financial risk and liability between the state and contracted partners.

(4) The criteria developed for the demonstration site described in section 2(1)(b) of this act also shall include recommendations for the optimum balance of shared responsibility for delivering child protection services and child welfare services between the state and community-based providers, including a description of the core functions to be performed by each.

(5) The demonstration sites shall be selected by the committee and shall include consideration of:

(a) The infrastructure and capacity of the site for delivering an array of evidence-based and promising prevention and intervention services, paying particular attention to the research developed by the Washington state institute for public policy regarding preventing the need for and reducing the duration of foster care placements;

(b) The willingness and ability of the site's community providers, children's administration staff, and other stakeholders to effectively collaborate in the development and implementation of performance-based contracts for the delivery of child welfare services; and

(c) The existence of multidisciplinary or multisystem work on performance improvement or reform efforts within the site that may harmonize with or support the implementation of performance-based contracts.

(6) After the sites have been selected, the committee shall convene appropriate site transition teams to develop their respective transition plans to implement the contracts. Site teams shall include those persons identified by the assistant secretary and the executive director as being essential to developing a comprehensive transition plan.

(7) The committee shall select the demonstration sites and notify the governor and the legislature of the site selections, and by December 1, 2010, the committee shall brief the governor and the legislature on the phased implementation plans for each site. The phased implementation of contracts shall begin January 1, 2011.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The assistant secretary of the children's administration and the director of partners for our children, or their designees, shall provide the governor, the appropriate committees of the legislature, and the performance contracting oversight committee with:

(a) Periodic updates on the development of the transition plans via electronically filed reports or in-person briefings, as convenient or practicable; and

(b) Quarterly updates via electronically filed reports beginning March 31, 2011, of the transition progress and operations at the demonstration sites.

(2) Partners for our children shall evaluate the implementation and operation of the demonstration sites and shall provide annual reports to the performance contracting oversight committee, the legislature, and the governor beginning January 1, 2013. The evaluation shall analyze to what extent the reforms implemented in the demonstration sites have resulted in improved outcomes for children and families, increased efficiencies in the delivery of child

welfare services, and enhanced partnerships with community partners and stakeholders.

(3) By December 31, 2013, the assistant secretary of the children's administration and the executive director of partners for our children shall provide the governor and the legislature with recommendations for expansion and continued operation of the demonstration sites, including recommendations for adjustments to operations based on experiences in the demonstration sites.

(4) Based on the recommendations, the governor may direct the children's administration to develop implementation plans and expand the use of performance-based contracts according to the same standards required for development of the demonstration sites as described in this section, or may direct the demonstration to terminate. Any expansion plans shall reflect the recommendations and lessons learned from the evaluation of the demonstration sites.

NEW SECTION. Sec. 5. The department of social and health services, the office of financial management, and the caseload forecast council shall develop a proposal for submission to the legislature and the governor for the reinvestment of savings in the demonstration sites into evidence-based prevention and intervention programs designed to prevent the need for or reduce the duration of foster care placements in the demonstration sites. The proposal shall be consistent with the proposed implementation plans developed under sections 2 and 3 of this act and must be submitted to the legislature and the governor by November 30, 2010, and shall include sufficient detail regarding accounting, budgeting, and allocation or other procedures for legislative consideration and approval.

Sec. 6. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:

(1) As used in Title 74 RCW, "child welfare services ((~~shall be defined as public~~))" mean publicly provided or contracted social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(((~~(1)~~))) (a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(((~~(2)~~))) (b) Protecting and caring for dependent or neglected children;

(((~~(3)~~))) (c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;

(((~~(4)~~))) (d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(((~~(5)~~))) (e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

((~~As used in~~)) (2) For purposes of this chapter((~~,~~)) and chapter 74.15 RCW:

(a) "Child" means a person less than eighteen years of age;

(b) "Department" means the department of social and health services or a supervising agency with whom the department has contracted for the provision of child welfare services under sections 1 through 5 of this act.

(3) The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.

Sec. 7. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services or a supervising agency with whom the department has contracted for the provision of child welfare services under sections 1 through 5 of this act. For the purposes of child protective services and licensing, "department" means only the department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means a private nonprofit agency licensed by the state or an Indian tribe with whom the department has contracted under sections 1 through 5 of this act for the provision of child welfare services. In no case may a supervising agency be contracted to license persons or facilities under this title or to provide child protective services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 8. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Seaquist and Sullivan.

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

Passed to Committee on Rules for second reading.

April 3, 2009

2SSB 5945 Prime Sponsor, Committee on Ways & Means: Creating the Washington health partnership plan. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the principles for health care reform articulated by President Obama in his proposed federal fiscal year 2010 budget to the congress of the United States provide an opportunity for the state of Washington to be both a partner with, and a model for, the federal government in its health care reform efforts.

NEW SECTION. Sec. 2. (1) The following principles shall provide guidance to the state of Washington in its health care reform deliberations:

(a) Guarantee choice. Provide Americans a choice of health plans and physicians. People will be allowed to keep their own doctor and their employer-based health plan.

(b) Make health coverage affordable. Reduce waste and fraud, high administrative costs, unnecessary tests and services, and other inefficiencies that drive up costs with no added health benefits.

(c) Protect families' financial health. Reduce the growing premiums and other costs American citizens and businesses pay for health care. People must be protected from bankruptcy due to catastrophic illness.

(d) Invest in prevention and wellness. Invest in public health measures proven to reduce cost drivers in our system, such as obesity, sedentary lifestyles, and smoking, as well as guarantee access to proven preventive treatments.

(e) Provide portability of coverage. People should not be locked into their job just to secure health coverage, and no American should be denied coverage because of preexisting conditions.

(f) Aim for universality. Building on the work of the blue ribbon commission and other state health care reform initiatives and recognizing the current economic climate, the state will partner with national health care reform efforts toward a goal of enabling all Washingtonians to have access to affordable, effective health care by 2014 as economic conditions and national reforms indicate.

(g) Improve patient safety and quality care. Ensure the implementation of proven patient safety measures and provide incentives for changes in the delivery system to reduce unnecessary variability in patient care. Support the widespread use of health information technology with rigorous privacy protections and the development of data on the effectiveness of medical interventions to improve the quality of care delivered.

(h) Maintain long-term fiscal sustainability. Any reform plan must pay for itself by reducing the level of cost growth, improving productivity, and dedicating additional sources of revenue.

(2) Over the past twenty years, both the private and public health care sectors in the state of Washington have implemented policies that are consistent with the principles in subsection (1) of this section. Most recently, the governor's blue ribbon commission on health reform agreed to recommendations that are highly consistent with those principles. Current policies in Washington state in accord with those principles include:

(a) With respect to aiming for universality and access to a choice of affordable health care plans and health care providers:

(i) The Washington basic health plan offers affordable health coverage to low-income families and individuals in Washington state through a choice of private managed health care plans and health care providers;

(ii) Apple health for kids will achieve its dual goals that every child in Washington state have health care coverage by 2010 and that the health status of children in Washington state be improved. Only four percent of children in Washington state lack health insurance, due largely to efforts to expand coverage that began in 1993;

(iii) Through the health insurance partnership program, Washington state has designed the infrastructure for a health insurance exchange for small employers that would give employers and employees a choice of private health benefit plans and health care providers, offer portability of coverage and provide a mechanism to offer premium subsidies to low-wage employees of these employers;

(iv) Purchasers, insurance carriers, and health care providers are working together to significantly reduce health care administrative costs. These efforts have already produced efficiencies, and will continue through the activities provided in Substitute House Bill No. 1647 and Second Substitute Senate Bill No. 5346, if enacted by the 2009 legislature; and

(v) Over one hundred thousand Washingtonians have enrolled in the state's discount prescription drug card program, saving consumers over six million dollars in prescription drug costs since February 2007, with an average discount of twenty-two dollars or forty-three percent of the price of each prescription filled.

(b) With respect to improving patient safety and quality of care and investing in prevention and wellness, the public and private health care sectors are engaged in numerous nationally recognized efforts:

(i) The Puget Sound health alliance is a national leader in identifying evidence-based health care practices, and reporting to the public on health care provider performance with respect to these practices. Many of these practices address disease prevention and management of chronic illness;

(ii) The Washington state health technology assessment program and prescription drug program use medical evidence and independent

clinical advisors to guide the purchasing of clinically and cost-effective health care services by state-purchased health care programs;

(iii) Washington state's health record bank pilot projects are testing a new model of patient controlled electronic health records in three geographic regions of the state. The state has also provided grants to a number of small provider practices to help them implement electronic health records;

(iv) Efforts are underway to ensure that the people of Washington state have a medical home, with primary care providers able to understand their needs, meet their care needs effectively, better manage their chronic illnesses, and coordinate their care across the health care system. These efforts include group health cooperative of Puget Sound's medical home projects, care collaboratives sponsored by the state department of health, state agency chronic care management pilot projects; development of apple health for kids health improvement measures as indicators of children having a medical home, and implementation of medical home reimbursement pilot projects under Substitute Senate Bill No. 5891 and Second Substitute House Bill No. 2114, if enacted by the 2009 legislature; and

(v) Health care providers, purchasers, the state, and private quality improvement organizations are partnering to undertake numerous patient safety efforts, including hospital and ambulatory surgery center adverse events reporting, with root cause analysis to identify actions to be undertaken to prevent further adverse events; reporting of hospital acquired infections and undertaking efforts to reduce the rate of these infections; developing a surgical care outcomes assessment program that includes a presurgery checklist to reduce medical errors, and developing a patient decision aid pilot to more fully inform patients of the risks and benefits of treatment alternatives, decrease unnecessary procedures and variation in care, and provide increased legal protection to physicians whose patients use a patient decision aid to provide informed consent.

NEW SECTION. Sec. 3. (1) Beginning October 1, 2009, the governor shall convene quarterly meetings of the Washington health partnership advisory group. The advisory group will review progress and provide input related to further actions that can be taken in both the public and private sectors to implement the principles stated in section 2 of this act and the findings of the governor's blue ribbon commission on health reform. The membership of the advisory group shall include:

(a) Two members of the house of representatives and two members of the senate, representing the majority and minority caucuses of each body;

(b) The insurance commissioner;

(c) The secretary of the department of social and health services, the administrator of the health care authority, the director of the department of labor and industries, and the director of the office of financial management;

(d) Members of the forum, the Puget Sound health alliance, national federation of independent business, and the healthy Washington coalition, who will ensure that the perspectives of large and small employers, providers, health carriers, labor organizations, and consumers are actively involved in the group.

(2) The advisory group shall monitor the status and outcomes of activities at the state level with respect to their impact on access to affordable health care, cost containment and quality of care including, but not limited to:

(a) The programs and efforts described in section 2(2) of this act;

(b) Medicaid waivers submitted under sections 4 and 5 of this act; and

(c) Efforts to consolidate state health purchasing and streamline administration of the purchasing.

(3) The advisory group shall monitor the progress of health care reform legislation at the federal level, with the goal of aligning state health care activities so that the state is poised to participate in federal health care reform. If federal legislation is enacted that offers states the opportunity to undertake health care reform demonstration efforts, the governor, with the advice of the group established under this section, should actively seek to participate as a demonstration site.

(4) In its deliberations, the advisory group shall consider recent reports that have analyzed various health care reform proposals in Washington state.

(5) Members of the advisory group shall not be reimbursed for travel and per diem related to activities of the advisory group.

(6) The advisory group expires June 30, 2010.

NEW SECTION. Sec. 4. (1) The department shall submit a section 1115 demonstration waiver request to the federal department of health and human services to expand and revise the medical assistance program as codified in Title XIX of the federal social security act. The waiver request should be designed to ensure the broadest federal financial participation under Title XIX and XXI of the federal social security act. To the extent permitted under federal law, the waiver request should include the following components:

(a) Establishment of a single eligibility standard for low-income persons, including expansion of categorical eligibility to include childless adults. The department shall request that the single eligibility standard be phased in such that incremental steps are taken to cover additional low-income parents and individuals over time, with the goal of offering coverage to persons with household income at or below two hundred percent of the federal poverty level;

(b) Establishment of a single seamless application and eligibility determination system for all state low-income medical programs included in the waiver. Applications may be electronic and may include an electronic signature for verification and authentication. Eligibility determinations should maximize federal financing where possible;

(c) The delivery of all low-income coverage programs as a single program, with a common core benefit package that may be similar to the basic health benefit package or an alternative benefit package approved by the secretary of the federal department of health and human services, including the option of supplemental coverage for select categorical groups, such as children, and individuals who are aged, blind, and disabled;

(d) A program design to include creative and innovative approaches such as: Coverage for preventive services with incentives to use appropriate preventive care; enhanced medical home reimbursement and bundled payment methodologies; cost-sharing options; use of care management and care coordination programs to improve coordination of medical and behavioral health services; application of an innovative predictive risk model to better target care management services; and mandatory enrollment in managed care, as may be necessary;

(e) The ability to impose enrollment limits or benefit design changes for eligibility groups that were not eligible under the Title XIX state plan in effect on the date of submission of the waiver application;

(f) A premium assistance program whereby employers can participate in coverage options for employees and dependents of employees otherwise eligible under the waiver. The waiver should make every effort to maximize enrollment in employer-sponsored

health insurance when it is cost-effective for the state to do so, and the purchase is consistent with the requirements of Titles XIX and XXI of the federal social security act. To the extent allowable under federal law, the department shall require enrollment in available employer-sponsored coverage as a condition of eligibility for coverage under the waiver; and

(g) The ability to share savings that might accrue to the federal medicare program, Title XVIII of the federal social security act, from improved care management for persons who are eligible for both medicare and medicaid. Through the waiver application process, the department shall determine whether the state could serve, directly or by contract, as a medicare special needs plan for persons eligible for both medicare and medicaid.

(2) The department shall hold ongoing stakeholder discussions as it is developing the waiver request, and provide opportunities for public review and comment as the request is being developed.

(3) The department and the health care authority shall identify statutory changes that may be necessary to ensure successful and timely implementation of the waiver request as submitted to the federal department of health and human services as the apple health program for adults.

(4) The legislature must authorize implementation of any waiver approved by the federal department of health and human services under this section.

NEW SECTION. Sec. 5. (1) The department shall continue to submit applications for the family planning waiver program.

(2) The department shall submit a request to the federal department of health and human services to amend the current family planning waiver program as follows:

(a) Provide coverage for sexually transmitted disease testing and treatment;

(b) Return to the eligibility standards used in 2005 including, but not limited to, citizenship determination based on declaration or matching with federal social security databases, insurance eligibility standards comparable to 2005, and confidential service availability for minors and survivors of domestic and sexual violence; and

(c) Within available funds, increase income eligibility to two hundred fifty percent of the federal poverty level, to correspond with income eligibility for publicly funded maternity care services.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act are each added to chapter 43.06 RCW.

NEW SECTION. Sec. 7. Sections 4 and 5 of this act are each added to chapter 74.09 RCW."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen; Johnson and Walsh.

Passed to Committee on Rules for second reading.

April 3, 2009

E2SSB 6015 Prime Sponsor, Committee on Ways & Means: Creating the position of the director of commercialization and innovation within the office of the governor. (REVISED FOR ENGROSSED: Directing the department of community, trade, and economic development to review commercialization and innovation in the life sciences and technology sectors.) Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) Washington state is fortunate to have a dynamic technology industry sector that benefits from vibrant global demand for its output and that helps drive the state's economy. Washington state is uniquely positioned to shape its future success in innovation in the technology sectors of life sciences and high technology. Nearly every state in the nation is competing to develop a strong innovation economy. Washington has world-class research institutions, entrepreneurial spirit and talent, an actively collaborative community, and an existing foundational sector.

(2) To leverage its potential, the state must actively work to create and ensure a supportive environment that enables entrepreneurial people and companies to convert their innovative ideas into marketable new products and services. Providing such an environment would: Solidify Washington state as a global leader of knowledge and technology commercialization; create more highly rewarding and well-paying careers for Washington's citizens; grow more companies in new and far-reaching markets; renew traditional industries through value-added technology adaptation; and generate solid returns for Washington state.

NEW SECTION. Sec. 2. (1) By December 1, 2009, the department of community, trade, and economic development shall report to the governor and the legislature on how the state can best encourage and support the growth of innovation in the development and commercialization of proprietary technology in the life sciences and information technology industries.

(2) In consultation with life sciences trade and technology trade associations, the department shall:

(a) Investigate and recommend strategies to increase the amount of local or regional capital targeted to preseed, seed, and other early stage investments in life sciences and information technology companies;

(b) Examine state laws, rules, appropriations, and taxes related to life sciences and information technology, identify barriers, and recommend alternatives that will support growth of these industries;

(c) Evaluate the state's technology-based economic development efforts and recommend any additional infrastructure needed to assist companies at each stage of the business life cycle; and

(d) Review the status of technology transfer and commercialization efforts by the state's public research universities.

(3) The department shall provide a draft report of its findings and recommendations to the Washington state economic development commission. The commission shall compare the recommendations in the draft report to the overall direction and strategies related to life sciences and information technology adopted in the state's comprehensive economic development plan. The commission shall provide written observations to the department on areas of alignment or nonalignment between the report and the plan. The final report shall include the commission's observations and shall reflect any changes made to the report by the department in response to the commission's comments.

(4) For purposes of the report: (a) "Life sciences" must include but is not limited to: Medical devices and biotechnology as defined in RCW 82.63.010; and (b) "information technology" must include but is not limited to: Hardware, software, and internet infrastructure, that address high potential emerging and growing markets.

(5) From the funds appropriated for the purposes of this section, the money available for expenditure may not exceed the amount matched dollar-for-dollar by cash or in-kind contributions from nonstate sources.

(6) This section expires December 31, 2009."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

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

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 6035 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning retrospective rating plans. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen; Johnson; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

April 4, 2009

ESB 6048 Prime Sponsor, Senator Oemig: Concerning the state's education system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Education Appropriations. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Darneille; Haigh; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hunt; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 6070 Prime Sponsor, Senator Hatfield: Regarding disposal of dredged riverbed materials. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 79.140 RCW under the subchapter heading "special provisions and leases" to read as follows:

(1)(a) The legislature finds and declares that an extraordinary volume of material washed down onto beds of navigable waters and shorelands in the Toutle river, Coweeman river, and portions of the Cowlitz river following the eruption of Mount St. Helens in 1980.

(b) The legislature further finds that the owners of private lands located near the impacted rivers were authorized to sell, transfer, or otherwise dispose of any dredge spoils removed from the river between the years of 1980 and 1995 without the necessity of any charge by the department.

(c) The legislature further finds that the dredging activities following the eruption of Mount St. Helens are no longer adequate to protect engineered structures on the affected rivers or the public health and safety of the communities located in proximity to the affected rivers. Future river dredging will be necessary as part of managing the post-eruption state of the rivers, and with the commencement of new dredging activities, the underlying conditions leading to the previous authority for private landowners to dispose of the dredged materials without the necessity of any charge by the department are replicated.

(d) The legislature further finds that just as between the years of 1980 and 1995, the dredge spoils placed upon adjacent publicly and privately owned property in the affected areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

(2)(a) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands prior to January 1, 2009, as a result of dredging the affected rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department.

(b) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands after January 1, 2009, but before December 31, 2017, as a result of dredging the affected rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department if the land in question was not used as a source for commercially sold materials prior to January 1, 2009. If the land in question was used as a source for commercially sold materials prior to January 1, 2009, the dredge spoils may be used without the necessity of any charge by the department. However, any sale of the materials would not be exempt from charges by the department consistent with this title.

NEW SECTION. Sec. 2. RCW 79.140.120 is decodified." Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Kenney; Pedersen and Short.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee; Hudgins and Williams.

Passed to Committee on Rules for second reading.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 3, 2009

HB 2323 Prime Sponsor, Representative Grant-Herriot: Concerning a sales and use tax exemption of the nonhighway use of propane by farmers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 31, 2009

HB 2326 Prime Sponsor, Representative Clibborn: Authorizing bonds for the financing of eligible toll facilities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Driscoll; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Ericksen; Herrera; Johnson; Klippert; Shea; Simpson and Springer.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 5044 Prime Sponsor, Committee on Higher Education & Workforce Development: Changing work-study provisions. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on Higher Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 3, 2009

2SSB 5045 Prime Sponsor, Committee on Ways & Means: Regarding community revitalization financing. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"**PART I**
LOCAL REVITALIZATION FINANCING--GENERAL PROVISIONS

NEW SECTION. Sec. 1. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs, stimulates the redevelopment of brownfields and blighted areas in the inner city, lowers the cost of housing, and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax to those local governments that can demonstrate the expected returns to the state.

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

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

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

(4) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(5) "Local government" means any city, town, county, and port district.

(6) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

(7) "Local revitalization financing" means the use of revenues from local public sources, dedicated to pay the principal and interest on bonds authorized under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis, and revenues received from the local option sales and use tax authorized in section 601 of this act, dedicated to pay the principal and interest on bonds authorized under section 701 of this act.

(8) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

(9) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(10) "Ordinance" means any appropriate method of taking legislative action by a local government.

(11) "Participating local government" means a local government having a revitalization area within its geographic boundaries that has taken action as provided in section 107(1) of this act to allow the use of all or some of its local sales and use tax increment or other

revenues from local public sources dedicated for local revitalization financing.

(12) "Participating taxing district" means a local government having a revitalization area within its geographic boundaries that has not taken action as provided in section 106(2) of this act.

(13) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

(14)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved by the department;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved by the department;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revitalization area is approved by the department.

(ii) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(15) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

(16) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Storm water and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(17) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(18) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(19)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources, which are dedicated for the payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(20) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the department, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

(21) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area.

(22) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the department as provided in section 401 of this act; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (22)(c).

(23) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under section 401 of this act and updated periodically as required in section 501 of this act.

(24) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the years following the approval of the revitalization area by the department as determined by the sponsoring local government in an application under section 401 of this act and updated periodically as required in section 501 of this act.

(25) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by section 601 of this act for the applicable revitalization area, imposed on the same taxable events that are credited against the state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

(26) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revitalization area.

NEW SECTION. Sec. 3. CONDITIONS. A local government may finance public improvements using local revitalization financing subject to the following conditions:

(1) The local government has adopted an ordinance designating a revitalization area within its boundaries and specified the public improvements proposed to be financed in whole or in part with the use of local revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using local revitalization financing are expected to encourage private development within the revitalization area and to increase the fair market value of real property within the revitalization area;

(3) The local government has entered into a contract with a private developer relating to the development of private improvements within the revitalization area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revitalization area;

(4) Private development that is anticipated to occur within the revitalization area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(5) The local government may not use local revitalization financing to finance the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of public facilities funded with taxes collected under RCW 82.14.048 or 82.14.390;

(6) The governing body of the local government must make a finding that local revitalization financing:

(a) Will not be used for the purpose of relocating a business from outside the revitalization area, but within this state, into the revitalization area unless convincing evidence is provided that the firm being relocated would otherwise leave the state;

(b) Will improve the viability of existing business entities within the revitalization area; and

(c) Will be used exclusively in areas within the jurisdiction of the local government deemed in need of either economic development or redevelopment, or both, and absent the financing available under this chapter and sections 601 and 602 of this act the proposed economic development or redevelopment would more than likely not occur; and

(7) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using local revitalization financing are reasonably likely to:

(a) Increase private investment within the revitalization area;

(b) Increase employment within the revitalization area; and

(c) Generate, over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues that are equal to or greater than the respective state and local contributions made under this chapter.

NEW SECTION. Sec. 4. CREATING A REVITALIZATION AREA. (1) Before adopting an ordinance creating the revitalization area, a sponsoring local government must:

(a) Provide notice to all taxing districts and local governments with geographic boundaries within the proposed revitalization area of the sponsoring local government's intent to create a revitalization area. Notice must be provided in writing to the governing body of the taxing districts and local governments at least thirty days in advance of the public hearing as required by (b) of this subsection. The notice must include at least the following information:

(i) The name of the proposed revitalization area;

(ii) The date for the public hearing as required by (b) of this subsection;

(iii) The earliest anticipated date when the sponsoring local government will take action to adopt the proposed revitalization area; and

(iv) The name of a contact person with phone number of the sponsoring local government and mailing address where a copy of an ordinance adopted under sections 105 and 106 of this act may be sent; and

(b) Hold a public hearing on the proposed financing of the public improvements in whole or in part with local revitalization financing. Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed revitalization area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed revitalization area. Notices must describe the contemplated public improvements,

estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by local revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed revitalization area, and estimate the period during which local revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the sponsoring local government, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) To create a revitalization area, a sponsoring local government must adopt an ordinance establishing the revitalization area that:

(a) Describes the public improvements proposed to be made in the revitalization area;

(b) Describes the boundaries of the revitalization area, subject to the limitations in section 105 of this act;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local revitalization financing;

(d) Estimates the time during which local property tax allocation revenues, and other revenues from local public sources, such as amounts of local sales and use taxes from participating local governments, are to be used for local revitalization financing;

(e) Provides the date when the use of local property tax allocation revenues will commence and a list of the taxing districts that have not adopted an ordinance as described in section 106 of this act to be removed as a participating taxing district;

(f) Finds that all of the requirements in section 103 of this act are met;

(g) Provides the anticipated rate of sales and use tax under section 601 of this act that the local government will impose if awarded a state contribution under section 401 of this act;

(h) Provides the anticipated date when the criteria for the sales and use tax in section 601 of this act will be met and the anticipated date when the sales and use tax in section 601 of this act will be imposed.

(3) The sponsoring local government must deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating taxing authority and participating taxing district within which the revitalization area is located, and the department.

NEW SECTION. Sec. 5. LIMITATIONS ON REVITALIZATION AREAS. The designation of a revitalization area is subject to the following limitations:

(1) No revitalization area may have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW, any part of a revenue development area created under chapter 39.102 RCW, any part of an increment area under chapter 39.89 RCW, or any part of another revitalization area under this chapter;

(2) A revitalization area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revitalization area;

(3) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(4) The public improvements financed through bonds issued under section 701 of this act must be located in the revitalization area;

(5) A revitalization area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government at the time the revitalization area is created;

(6) The boundaries of the revitalization area may not be changed for the time period that local property tax allocation revenues, local sales and use taxes of participating local governments, and the local sales and use tax under section 601 of this act are used to pay bonds issued under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis, as provided under this chapter; and

(7) A revitalization area must be geographically restricted to the location of the public improvement and adjacent locations that the sponsoring local government finds to have a high likelihood of receiving direct positive business and economic impacts due to the public improvement, such as a neighborhood or a block.

NEW SECTION. Sec. 6. OPTING OUT AS A PARTICIPATING TAXING DISTRICT. (1) Participating taxing districts must allow the use of all of their local property tax allocation revenues for local revitalization financing.

(2)(a) If a taxing district does not want to allow the use of its property tax revenues for the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance to remove itself as a participating taxing district and must notify the sponsoring local government.

(b) The taxing district must provide a copy of the adopted ordinance and notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt the ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

NEW SECTION. Sec. 7. OPTING IN OR OUT AS A PARTICIPATING LOCAL GOVERNMENT. (1) A participating local government must enter into an interlocal agreement as provided in chapter 39.34 RCW to participate in local revitalization financing with the sponsoring local government.

(2)(a) If a local government that imposes a sales and use tax under RCW 82.14.030 does not want to participate in the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance and notify the sponsoring local government that the taxing authority will not be a participating local government.

(b) The local government must provide a copy of the adopted ordinance and the notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt an ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

PART II
LOCAL REVITALIZATION FINANCING
USE OF LOCAL PROPERTY TAX ALLOCATION REVENUES TO PAY FOR THE COST OF PUBLIC IMPROVEMENTS

NEW SECTION. Sec. 8. LOCAL PROPERTY TAX ALLOCATION REVENUES. (1) Commencing in the second calendar year following the creation of a revitalization area by a sponsoring local government, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revitalization area as follows:

(a) Each participating taxing district and the sponsoring local government must receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local revitalization financing project in the taxing district; and

(b) The sponsoring local government must receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revitalization area. However, if there is no property tax allocation revenue value, the sponsoring local government may not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revitalization area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local revitalization financing.

(2) The county assessor shall determine the property tax allocation revenue value and property tax allocation revenue base value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The distribution of local property tax allocation revenue to the sponsoring local government must cease when local property tax allocation revenues are no longer obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues, and earnings on the revenues, remaining at the time the distribution of local property tax allocation revenue terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revitalization area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revitalization area of that portion of the sponsoring local government's and each participating taxing district's regular property taxes levied upon the property tax allocation revenue value within that revitalization area is declared to be a public purpose of and benefit to the sponsoring local government and each participating taxing district.

(5) The distribution of local property tax allocation revenues under this section may not affect or be deemed to affect the rate of taxes levied by or within any sponsoring local government and participating taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

PART III
LOCAL REVITALIZATION FINANCING
USE OF LOCAL SALES AND USE TAX INCREMENTS TO PAY FOR THE COST OF PUBLIC IMPROVEMENTS

NEW SECTION. Sec. 9. LOCAL SALES AND USE TAX INCREMENTS. (1) A sponsoring local government may use annually local sales and use tax amounts equal to some or all of its local sales and use tax increments to finance public improvements in the revitalization area. The amounts of local sales and use tax dedicated by a participating local government must begin and cease on the dates specified in an interlocal agreement authorized in chapter 39.34 RCW. Sponsoring local governments and participating local governments are authorized to allocate some or all of their local sales and use tax increment to the sponsoring local government as provided by section 107(1) of this act.

(2) The department, upon request, must assist sponsoring local governments in estimating sales and use tax revenues from estimated taxable activity in the proposed or adopted revitalization area. The sponsoring local government must provide the department with accurate information describing the geographical boundaries of the revitalization area in an electronic format or in a manner as otherwise prescribed by the department.

PART IV
LOCAL REVITALIZATION FINANCING--STATE CONTRIBUTION

NEW SECTION. Sec. 10. APPLICATION PROCESS--DEPARTMENT OF REVENUE APPROVAL. (1) Prior to applying to the department to receive a state contribution, a sponsoring local government shall adopt a revitalization area within the limitations in section 105 of this act and in accordance with section 104 of this act.

(2) As a condition to imposing a sales and use tax under section 601 of this act, a sponsoring local government must apply to the department and be approved for a project award amount. The application must be in a form and manner prescribed by the department and include, but not be limited to:

(a) Information establishing that over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues as a result of public improvements in the revitalization area will be equal to or greater than the respective state and local contributions made under this chapter;

(b) Information demonstrating that the sponsoring local government will meet the requirements necessary to receive the full amount of state contribution it is requesting on an annual basis;

(c) The amount of state contribution it is requesting;

(d) The anticipated effective date for imposing the tax under section 601 of this act;

(e) The estimated number of years that the tax will be imposed;

(f) The anticipated rate of tax to be imposed under section 601 of this act, subject to the rate-setting conditions in section 601(3) of this act, should the sponsoring local government be approved for a project award; and

(g) The anticipated date when bonds under section 701 of this act will be issued.

The department shall make available electronic forms to be used for this purpose. As part of the application, each applicant must provide to the department a copy of the adopted ordinance creating the revitalization area as required in section 104 of this act, copies of any adopted interlocal agreements from participating local governments, and any notices from taxing districts that elect not to be a participating taxing district.

(3)(a) Project awards must be determined on:

(i) A first-come basis for applications completed in their entirety and submitted electronically;

(ii) The availability of a state contribution;

(iii) Whether the sponsoring local government would be able to generate enough tax revenue under section 601 of this act to generate the amount of project award requested.

(b) The total of all project awards may not exceed the annual state contribution limit.

(c) If the level of available state contribution is less than the amount requested by the next available applicant, the applicant must be given the first opportunity to accept the lesser amount of state contribution but only if the applicant produces a new application within sixty days of being notified by the department and the application describes the impact on the proposed project as a result of the lesser award in addition to new application information outlined in subsection (2) of this section.

(d) Applications that are not approved for a project award due to lack of available state contribution must be retained on file by the department in order of the date of their receipt.

(e) Once total project awards reach the amount of annual state contribution limit, no more applications will be accepted.

(f) If the annual contribution limit is increased, applications will be accepted again beginning sixty days after the effective date of the increase. However, in the time period before any new applications are accepted, all sponsoring local governments with a complete application already on file with the department must be provided an opportunity to either withdraw their application or update the information in the application. The updated application must be for a project that is substantially the same as the project in the original application. The department must consider these applications, in the order originally submitted, for project awards prior to considering any new applications.

(4) The department shall notify the sponsoring local government of approval or denial of a project award within sixty days of the department's receipt of the sponsoring local government's application. Determination of a project award by the department is final. Notification must include the earliest date when the tax authorized under section 601 of this act may be imposed, subject to conditions in chapter 82.14 RCW. The project award notification must specify the rate requested in the application and any adjustments to the rate that would need to be made based on the project award and rate restrictions in section 601 of this act.

(5) The department must begin accepting applications on September 1, 2009.

PART V
ACCOUNTABILITY REPORTS

NEW SECTION. Sec. 11. A new section is added to chapter 82.32 RCW to read as follows:

REPORTING REQUIREMENTS. (1) A sponsoring local government receiving a project award under section 401 of this act must provide a report to the department by March 1st of each year beginning March 1st after the project award has been approved. The report must contain the following information:

(a) The amounts of local property tax allocation revenues received in the preceding calendar year broken down by sponsoring local government and participating taxing district;

(b) The amount of state property tax allocation revenues estimated to have been received by the state in the preceding calendar year;

(c) The amount of local sales and use tax and other revenue from local public sources dedicated by any participating local government used for the payment of bonds under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(d) The amount of local sales and use tax dedicated by the sponsoring local government, as it relates to the sponsoring local government's local sales and use tax increment, used for the payment of bonds under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis;

(e) The amounts, other than those listed in (a) through (d) of this subsection, from local public sources, broken down by type or source, used for payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(f) The anticipated date when bonds under section 701 of this act are expected to be retired;

(g) The names of any businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(h) An estimate of the cumulative number of permanent jobs created in the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(i) An estimate of the average wages and benefits received by all employees of businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(j) A list of public improvements financed by bonds issued under section 701 of this act and the date on which the bonds are anticipated to be retired;

(k) That the sponsoring local government is in compliance with section 103 of this act;

(l) At least once every three years, updated estimates of the amounts of state and local sales and use tax increments estimated to have been received since the approval by the department of the project award under section 401 of this act; and

(m) Any other information required by the department to enable the department to fulfill its duties under this chapter and section 601 of this act.

(2) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

PART VI
LOCAL SALES AND USE TAX CREDITED AGAINST THE STATE SALES AND USE TAXES

NEW SECTION. Sec. 12. LOCAL SALES AND USE TAX. (1) Any city or county that has been approved for a project award under section 401 of this act may impose a sales and use tax under the authority of this section in accordance with the terms of this chapter. Except as provided in this section, the tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city or county.

(2) The tax authorized under subsection (1) of this section is credited against the state taxes imposed under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1). The department must perform the collection of such taxes on behalf of the city or county at no cost to the city or county. The taxes must be distributed to cities and counties as provided in RCW 82.14.060.

(3) The rate of tax imposed by a city or county may not exceed the lesser of:

(a) The rate provided in RCW 82.08.020(1), less:

(i) The aggregate rates of all other local sales and use taxes imposed by any taxing authority on the same taxable events;

(ii) The aggregate rates of all taxes under RCW 82.14.465 and 82.14.475 and this section that are authorized but have not yet been imposed on the same taxable events by a city or county that has been approved to receive a state contribution by the department or the community economic revitalization board under chapter 39.-- RCW (the new chapter created in section 805 of this act) or chapter 39.100 or 39.102 RCW; and

(iii) The percentage amount of distributions required under RCW 82.08.020(5) multiplied by the rate of state taxes imposed under RCW 82.08.020(1); and

(b) The rate, as determined by the city or county in consultation with the department, reasonably necessary to receive the project award under section 401 of this act over ten months.

(4) The department, upon request, must assist a city or county in establishing its tax rate in accordance with subsection (3) of this section. Once the rate of tax is selected through the application process and approved under section 401 of this act, it may not be increased.

(5)(a) No tax may be imposed under the authority of this section before:

(i) July 1, 2011;

(ii) July 1st of the second calendar year following the year in which the department approved the application made under section 401 of this act;

(iii) The state sales and use tax increment and state property tax increment for the preceding calendar year equal or exceed the amount of the project award approved by the department under section 401 of this act; and

(iv) Bonds have been issued according to section 701 of this act.

(b) The tax imposed under this section expires the earlier of the date that the bonds issued under the authority of section 701 of this act are retired or twenty-five years after the tax is first imposed.

(6) An ordinance or resolution adopted by the legislative authority of the city or county imposing a tax under this section must provide that:

(a) The tax will first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the city or county, in any fiscal year, may not exceed the amount approved by the department under subsection (10) of this section;

(c) The department must cease distributing the tax for the remainder of any fiscal year in which either:

(i) The amount of tax received by the city or county equals the amount of distributions approved by the department for the fiscal year under subsection (10) of this section; or

(ii) The amount of revenue from taxes imposed under this section by all cities and counties equals the annual state contribution limit;

(d) The tax will be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) The state is entitled to any revenue generated by the tax in excess of the amounts specified in (c) of this subsection.

(7) If a city or county receives approval for more than one revitalization area within its jurisdiction, the city or county may impose a sales and use tax under this section for each revitalization area.

(8) The department must determine the amount of tax receipts distributed to each city and county imposing a sales and use tax under the authority of this section and must advise a city or county when tax distributions for the fiscal year equal the amount determined by the department in subsection (10) of this section. Determinations by the department of the amount of tax distributions attributable to a city or county are not appealable. The department must remit any tax receipts in excess of the amounts specified in subsection (6)(c) of this section to the state treasurer who must deposit the money in the general fund.

(9) If a city or county fails to comply with section 501 of this act, no tax may be distributed in the subsequent fiscal year until such time as the city or county complies and the department calculates the state contribution amount according to subsection (10) of this section for the fiscal year.

(10)(a) For each fiscal year that a city or county imposes the tax under the authority of this section, the department must approve the amount of taxes that may be distributed to the city or county. The amount approved by the department under this subsection is the lesser of:

(i) The state contribution;

(ii) The amount of project award granted by the department as provided in section 401 of this act; or

(iii) The total amount of revenues from local public sources dedicated in the preceding calendar year, as reported in the required annual report under section 501 of this act.

(b) A city or county may not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department.

(11) The amount of tax distributions received from taxes imposed under the authority of this section by all cities and counties is limited annually to not more than the amount of annual state contribution limit.

(12) The definitions in section 102 of this act apply to this section subject to subsection (13) of this section and unless the context clearly requires otherwise.

(13) For purposes of this section, the following definitions apply:

(a) "Local sales and use taxes" means sales and use taxes imposed by cities, counties, public facilities districts, and other local governments under the authority of this chapter, chapter 67.28 or 67.40 RCW, or any other chapter, and that are credited against the state sales and use taxes.

(b) "State sales and use taxes" means the taxes imposed in RCW 82.08.020(1) and 82.12.020.

NEW SECTION. Sec. 13. USE OF SALES AND USE TAX FUNDS. Money collected from the taxes imposed under section 601 of this act may be used only for the purpose of paying debt service on bonds issued under the authority in section 701 of this act.

PART VII
BOND AUTHORIZATION

NEW SECTION. Sec. 14. ISSUANCE OF GENERAL OBLIGATION BONDS. (1) A sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local revitalization financing it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government creating the revitalization area and authorizing the use of local revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by section 104 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may require any nonpublic participants to provide adequate security to protect the public investment in the public improvement within the revitalization area.

(4) Bonds issued under this section must be authorized by ordinance of the sponsoring local government and may be issued in one or more series and must bear a date or dates, be payable upon demand or mature at a time or times, bear interest at a rate or rates, be in a denomination or denominations, be in a form either coupon or registered as provided in RCW 39.46.030, carry conversion or registration privileges, have a rank or priority, be executed in a manner, be payable in a medium of payment, at a place or places, and be subject to terms of redemption with or without premium, be secured in a manner, and have other characteristics, as may be provided by an ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local property tax allocation revenues derived from property within the revitalization area containing the public improvements funded by the bonds, the payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 601 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 601 of this act are subject to the use restriction in section 602 of this act.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter cease to be the officials before the delivery of the bonds, the signatures must, nevertheless, be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 15. USE OF TAX REVENUE FOR BOND REPAYMENT. A sponsoring local government that issues bonds under section 701 of this act to finance public improvements may pledge for the payment of such bonds all or part of any local property tax allocation revenues derived from the public improvements. The sponsoring local government may also pledge all or part of any revenues derived from taxes imposed under section 601 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restriction in section 602 of this act.

NEW SECTION. Sec. 16. LIMITATION ON BONDS ISSUED. The bonds issued by a local government under section 701 of this act to finance public improvements do not constitute an obligation of the state of Washington, either general or special.

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 17. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. CAPTIONS AND PART HEADINGS NOT LAW. Captions and part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 19. AUTHORITY. Nothing in this act may be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 20. ADMINISTRATION BY THE DEPARTMENT. The department of revenue may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of this chapter.

NEW SECTION. Sec. 21. Sections 101 through 401 and 701 through 804 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 22. Sections 601 and 602 of this act are each added to chapter 82.14 RCW."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Ericks and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Santos.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 5229 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding the legislative youth advisory council. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.300.801 and 2007 c 291 s 2 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4)(a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. Beginning with the effective date of this act, the office of the lieutenant governor shall notify all applicants of the final selections using existing staff and resources.

(b) Within existing staff and resources, the office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) If the council has sufficient funds from any source, then the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;

(d) Accepting and soliciting for grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(6) If the council has sufficient funds from any source, then in carrying out its duties under this section, the council may meet at least three times but not more than six times per year. The council shall consider conducting at least some of the meetings via the K-20 telecommunications network. ((~~Councils are~~)) The council is encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on the various issues. The council is encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site.

(7) If the council has sufficient funds from any source, then members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(8) If sufficient funds are available from any source, beginning with the effective date of this act, the office of superintendent of public instruction shall provide administration, coordination, and facilitation assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(9) The office of the lieutenant governor, the office of (([~~the~~])) the superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.

(((~~(10) This section expires June 30, 2009.~~)))

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 5248 Prime Sponsor, Committee on Ways & Means: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5301 Prime Sponsor, Committee on Human Services & Corrections: Concerning permissible uses of moneys collected under the sales and use tax for chemical dependency or mental health treatment services or therapeutic courts. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of ((~~new or expanded~~)) chemical dependency or mental health treatment programs and services and for the operation or delivery of ((~~new or expanded~~)) therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are

a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except that a portion of moneys collected under this section ((~~shall not~~)) may be used to supplant existing funding for these purposes((~~, provided that~~)) in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section ((~~shall~~)) may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

NEW SECTION. Sec. 2. This act expires January 1, 2015."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

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

Passed to Committee on Rules for second reading.

April 6, 2009

SB 5412 Prime Sponsor, Senator Eide: Controlling saltwater algae. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 88.02.050 and 2007 c 342 s 5 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.

(c) ((~~One dollar~~)) Seventy-five cents must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(e) Twenty-five cents must be deposited in the saltwater algae control account created in section 2 of this act.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals ((~~therefor~~)), for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

(1) The saltwater algae control account is created in the state treasury. All receipts designated for deposit to the account in RCW 88.02.050 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used as provided in this section.

(2) Funds in the saltwater algae control account may be appropriated to the department to develop a saltwater aquatic algae control grant program. Funds must be expended as grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive

saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(3)(a) Grant awards may be made both for proactive investments in saltwater algae research and control and for rapid response to emerging incidents and immediate restoration following algal incidents. Grants may either be awarded prospectively when intended for proactive investments or as reimbursement for rapid response or immediate restoration.

(b) The department shall allow potential grantees to contact the department prior to investing in rapid response or immediate restoration actions to ensure that the saltwater algae control account has adequate funds to reimburse the rapid response and immediate restoration actions. To facilitate both timely reimbursement and the department's ability to provide assurances that reimbursement funding can be provided, the department shall develop a process that allows potential grantees to be screened and evaluated prior to a saltwater algae incident.

(4) When appropriate, grant awards must be prioritized to benefit:

(a) Areas of marine waters with documented significant sea lettuce growth;

(b) Potential grantees capable and willing to provide matching funds either directly or through a third party; and

(c) Potential grantees that are Puget Sound partners as that term is defined in RCW 90.71.010. However, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under RCW 90.71.310, or for any other reason may not be given less preferential treatment than Puget Sound partners.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act expire June 30, 2013.

Sec. 4. 2005 c 464 s 7 (uncodified) is amended to read as follows:

Section 2 of this act expires June 30, ((~~2012~~)) 2013.

Sec. 5. 2007 c 342 s 9 (uncodified) is amended to read as follows:

Section 5 of this act expires June 30, ((~~2012~~)) 2013.

Sec. 6. 2007 c 342 s 10 (uncodified) is amended to read as follows:

Section 6 of this act takes effect June 30, ((~~2012~~)) 2013."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Hudgins; Kenney; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 1, 2009

ESSB 5555 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding lifelong learning accounts. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 2, 2009

SSB 5574 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Protecting consumer data in motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

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

(1) "Recording device" means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within a motor vehicle. "Recording device" includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed related to that motor vehicle.

(2) "Owner" means:

(a) A person having all the incidents of ownership, including legal title, of a motor vehicle, whether or not the person lends, rents, or creates a security interest in the motor vehicle;

(b) A person entitled to the possession of a motor vehicle as the purchaser under a security agreement;

(c) A person entitled to possession of a motor vehicle as a lessee pursuant to a written lease agreement for a period of more than three months; or

(d) If a third party requests access to a recording device to investigate a collision, the owner of the motor vehicle at the time the collision occurred.

NEW SECTION. Sec. 2. (1) A manufacturer of a motor vehicle sold or leased in this state, that is equipped with one or more recording devices, shall in bold face type disclose in the owner's manual that the motor vehicle is equipped with one or more recording devices and, if so, the type of data recorded and whether the recording device or devices have the ability to transmit information to a central communications system or other external device.

(2) If a recording device is used as part of a subscription service, the subscription service agreement must disclose the type of information that the device may record or transmit.

(3) A disclosure made by means of an insert into the owner's manual is deemed a disclosure in the owner's manual.

(4) If a recording device is to be installed in a vehicle aftermarket, the manufacturer of the device shall in bold face type disclose in the product manual the type of information that the device may record and whether the recording device has the ability to transmit information to a central communications system or other external device.

(5) A disclosure made by means of an insert into the product manual is deemed a disclosure in the product manual.

NEW SECTION. Sec. 3. (1) Information recorded or transmitted by a recording device may not be retrieved, downloaded,

scanned, read, or otherwise accessed by a person other than the owner of the motor vehicle in which the recording device is installed except:

(a) Upon a court order or pursuant to discovery. Any information recorded or transmitted by a recording device and obtained by a court order or pursuant to discovery is private and confidential and is not subject to public disclosure;

(b) With the consent of the owner or a person who the individual requesting access to the information would reasonably believe has the consent of the owner, given for a specific instance of access, for any purpose;

(c) For improving motor vehicle safety, including medical research on the human body's reaction to motor vehicle collisions, if the identity of the motor vehicle or the owner or driver of the motor vehicle is not disclosed in connection with the retrieved information;

(d) For determining the need for or facilitating emergency medical response if a motor vehicle collision occurs, provided that the information retrieved is used solely for medical purposes; or

(e) For subscription services pursuant to an agreement in which disclosure required under section 2 of this act has been made, provided that the information retrieved is used solely for the purposes of fulfilling the subscription service and is not disclosed to a third party.

(2) For the purposes of subsection (1)(c) of this section:

(a) The disclosure of a motor vehicle's vehicle identification number with the last six digits deleted or redacted is not a disclosure of the identity of the owner or driver; and

(b) Retrieved information may only be disclosed to a data processor.

(3) Information recorded or transmitted by a recording device may not be sold to a third party unless the owner of the information explicitly grants permission for the sale.

(4) Any person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 4. (1)(a) If a motor vehicle is equipped with one or more recording devices and is involved in an accident in Washington state, the owner of the motor vehicle at the time the data is created owns and retains exclusive ownership rights to the data.

(b) The ownership of the data may not pass to a lienholder or an insurer because the lienholder or insurer succeeds in ownership to the vehicle as a result of the accident.

(2) The data may not be used by a lienholder or an insurer for any reason without a written consent in the form of a release signed by the owner of the motor vehicle at the time of the accident that authorizes the lienholder or insurer to retrieve or use the data.

(3) A lienholder or insurer may not make the owner's consent to the retrieval or use of the data conditioned upon the payment or settlement of an obligation or claim; however, the insured is required to comply with all policy provisions, including any provision that requires the insured to cooperate with the insurer.

(4) An insurer of a motor vehicle may not require an owner to provide written permission for the access or retrieval of information from a recording device as a condition of the policy or lease.

NEW SECTION. Sec. 5. A manufacturer of a motor vehicle sold or leased in this state that is equipped with a recording device shall ensure by licensing agreement or other means that a tool or tools are available that are capable of accessing and retrieving the information stored in a recording device. The tool or tools must be commercially available no later than ninety days after the effective date of this section.

NEW SECTION. Sec. 6. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 48.30 RCW to read as follows:

(1) An insurer shall not refuse to renew or cancel a motor vehicle insurance policy solely because a motor vehicle owner, as defined in section 1 of this act, refuses to provide access to recorded data from a recording device, as defined in section 1 of this act.

(2) An insurer or agent shall not: Reduce coverage; increase the insured's premium; apply a surcharge; refuse to apply a discount other than a discount that is based on data recorded by a recording device as defined in section 1 of this act; or when there are multiple insurers available, fail to place the motor vehicle owner with the most favorably priced insurer, solely because a motor vehicle owner refuses to allow an insurer access to data from a recording device as defined in section 1 of this act.

Sec. 8. RCW 46.63.020 and 2008 c 282 s 11 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.500 relating to reckless driving;

(38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(41) RCW 46.61.522 relating to vehicular assault;

(42) RCW 46.61.5249 relating to first degree negligent driving;

(43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(44) RCW 46.61.530 relating to racing of vehicles on highways;

(45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(47) RCW 46.61.740 relating to theft of motor vehicle fuel;

(48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(50) Chapter 46.65 RCW relating to habitual traffic offenders;

(51) RCW 46.68.010 relating to false statements made to obtain a refund;

(52) Section 3 of this act relating to recording device information;

(53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(((~~(53)~~))) (54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(((~~(54)~~))) (55) RCW 46.72A.060 relating to limousine carrier insurance;

(((~~(55)~~))) (56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

(((~~(56)~~))) (57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

(((~~(57)~~))) (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

(((~~(58)~~))) (59) Chapter 46.82 RCW relating to driver's training schools;

(((~~(59)~~))) (60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(((~~(60)~~))) (61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 10. Sections 1 through 4 and 6 through 8 of this act take effect July 1, 2010."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Campbell; Driscoll; Eddy; Finn; Johnson; Klippert; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Cox; Ericksen; Herrera and Kristiansen.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 5587 Prime Sponsor, Senator Pridemore: Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

April 2, 2009

SSB 5610 Prime Sponsor, Committee on Transportation: Authorizing the release of driving record abstracts for employment purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5616 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Connecting business expansion and recruitment to customized training. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.67.020 and 2006 c 112 s 3 are each amended to read as follows:

(1) The Washington customized employment training program is hereby created to provide training assistance to employers locating or expanding in the state.

(2)(a) Application to receive funding under this program shall be made to the board in a form and manner as specified by the board. Successful applicants shall receive a training allowance from the board to cover the costs of training at a qualified training institution. Employers may not receive an allowance for training costs which exceed the maximum annual training cost per employee, as established by the board, and are not eligible to receive an allowance or allowances of over five hundred thousand dollars per calendar year.

(b) Allowances shall be granted for applicants who meet the following criteria:

(i) The employer must have entered into an agreement with a qualified training institution to engage in customized training and the employer must agree to: (A) Upon completion of the training, make a payment to the employment training finance account created in RCW 28B.67.030 in an amount equal to one-quarter of the amount of the training allowance; and (B) over the subsequent eighteen months, make monthly or quarterly payments, as specified in the agreement, to the employment training finance account created in RCW 28B.67.030 in an amount equal to three-quarters of the amount of the training allowance. During calendar years 2009 and 2010, participants may delay payments due under this section for up to eighteen months. The payments into the employment training finance account provided for in this section do not constitute payment to the institution.

(ii) ((~~The employer must ensure that the number of employees an employer has in the state during the calendar year following the completion of the training program will equal the number of employees the employer had in the state in the calendar year preceding the start of the training program plus seventy-five percent of the number of trainees.~~)) When hiring, the employer must make good faith efforts, as determined by the board, to hire from trainees in the participant's training program. The agreement with the qualified training institution provided for in (b)(i) of this subsection shall specify terms for reimbursement or additional payment to the employment training finance account by the employer if the ((~~employment criterion of this subsection is not met~~)) participant does not, when hiring, make good faith efforts to hire from trainees in the participant's training program.

(iii) The training ((~~grant~~)) allowance may not be used to train workers who have been hired as a result of a strike or lockout.

(c) Preference shall be given to employers with fewer than fifty employees.

(d) Preference shall be given to training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces.

(3) Qualified training institutions may enter into agreements with four-year institutions of higher education, as defined in RCW 28B.10.016, in accordance with the interlocal cooperation act, chapter 39.34 RCW.

(4) The board and qualified training institutions may solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, federal, or other governmental entities, as well as private sources, for the purpose of providing training allowances under chapter 112, Laws of 2006. All revenue thus solicited and received shall be deposited into the employment training finance account created in RCW 28B.67.030.

(5) Qualified training institutions must make good faith efforts to develop training programs using trainers preferred by participants.

(6) For employers who (a) have requested training under the job skills program created under chapter 28C.04 RCW but are not able to participate in the job skills program because the funds have all been committed, and (b) desire to become participants in the Washington customized employment training program, the board shall ensure a seamless process toward participation.

(7) The board may adopt rules to implement this section.

Sec. 2. RCW 28B.67.030 and 2006 c 112 s 8 are each amended to read as follows:

(1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 shall be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020 and for providing up to seventy-five thousand dollars per year for training, marketing, and facilitation services to increase the use of the program. The deposit of payments under this section from a participant shall cease when the board specifies that the participant has met the monetary obligations of the program.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) shall be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section.

Sec. 3. RCW 82.04.449 and 2006 c 112 s 5 are each amended to read as follows:

In computing the tax imposed under this chapter, a credit is allowed for participants in the Washington customized employment training program created in RCW 28B.67.020. The credit allowed under this section is equal to fifty percent of the value of a participant's payments to the employment training finance account

created in RCW 28B.67.030. If a participant in the program does not meet the ((~~qualifications in~~)) requirements of RCW 28B.67.020(2)(b)(ii), the participant must remit to the department the value of any credits taken plus interest. The credit earned by a participant in one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year. No credit may be allowed for repayment of training allowances received from the Washington customized employment training program on or after July 1, 2016.

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."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Carlyle; Cox; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson and Haler.

Passed to Committee on Rules for second reading.

April 2, 2009

ESSB 5768 Prime Sponsor, Committee on Transportation: Concerning the state route number 99 Alaskan Way viaduct replacement project. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The legislature finds that the replacement of the vulnerable state route number 99 Alaskan Way viaduct is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 99 Alaskan Way viaduct is susceptible to damage, closure, or catastrophic failure from earthquakes and tsunamis. Additionally, the viaduct serves as a vital route for freight and passenger vehicles through downtown Seattle.

Since 2001, the department has undertaken an extensive evaluation of multiple options to replace the Alaskan Way viaduct, including an initial evaluation of seventy-six conceptual alternatives and a more detailed analysis of five alternatives in 2004. In addition to a substantial technical review, the department has also undertaken considerable public outreach, which included consultation with a stakeholder advisory committee that met sixteen times over a thirteen-month period.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state shall take the necessary steps to expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(2) The state route number 99 Alaskan Way viaduct replacement project finance plan must include state funding not to exceed two billion four hundred million dollars and must also include at least four hundred million dollars in toll revenue. These funds must be used solely to build a replacement tunnel, as described in subsection (1) of this section, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

(3) The department shall provide updated cost estimates for construction of the bored tunnel and also for the full Alaskan Way viaduct replacement project to the legislature and governor by January 1, 2010. The department must also consult with independent tunnel engineering experts to review the estimates and risk assumptions. The department shall not enter into a design-build contract for construction of the bored tunnel until the report in this section has been submitted.

(4) Any contract the department enters into related to construction of the deep bored tunnel must include incentives and penalties to encourage on-time completion of the project and to minimize the potential for cost overruns.

(5) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, construction of all aspects of the project, specifically including but not limited to information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(6) The state, city, and county departments of transportation shall be responsible for the cost, delivery, and associated risks of the project components for which each department is responsible, as outlined in the January 13, 2009, letter of agreement signed by the governor, city, and county.

NEW SECTION. Sec. 2. The department of transportation must prepare a traffic and revenue study for a state route number 99 deep bore tunnel for the purpose of determining the facility's potential to generate toll revenue. The department shall regularly report to the transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility. The study must include the following information:

(1) An analysis of the potential diversion from state route number 99 to other parts of the transportation system resulting from tolls on the facility;

(2) An analysis of potential mitigation measures to offset or reduce diversion from state route number 99;

(3) A summary of the amount of revenue generated from tolling the deep bore tunnel; and

(4) An analysis of the impact of tolls on the performance of the facility.

The department must provide the results of the study to the governor and the legislature by January 2010.

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

(1) The legislature finds that the city of Seattle has agreed to pay for and ensure the adequate and efficient access for freight and vehicles, and adequate and efficient access to neighborhoods along the state route number 99 corridor, as part of their responsibilities in the Alaskan Way viaduct replacement project as recommended by the governor, King county, and the city of Seattle in the letter of agreement dated January 13, 2009. The elements of the city's plan include:

(a) Performing all work necessary to ensure that the Alaskan Way surface street is an efficient alternative access route for freight and vehicles, including:

(i) Operating the four-lane Alaskan Way surface street between Holgate Street via Elliot Avenue and Western Avenue to Denny Way in a manner that optimizes through traffic and freight movement to and through the surface street corridor along the waterfront, including synchronizing traffic lights and traffic control devices and erecting additional traffic lights and traffic control devices if necessary;

(ii) Synchronizing traffic lights and traffic control devices along state route number 99 between Spokane Street and the Aurora Avenue Bridge, and erecting additional traffic lights and control devices, if necessary, to prioritize vehicular and freight traffic flow;

(iii) Providing for reliable and effective access to the port of Seattle and other major destinations south of the port, including implementing measures to facilitate efficient traffic flow along Alaskan Way by way of the state route number 99 and state route number 519 interchange; and

(iv) Providing for reliable and effective access to and from state route number 99 and to and from the Mercer corridor for the port of Seattle and other residents and businesses in northwest Seattle;

(b) Working with the state department of transportation and, prior to removal of the viaduct, developing a plan that optimizes traffic flow from neighborhoods in northwest Seattle to the deep bored tunnel, including:

(i) Providing for the efficient movement of traffic along major arterials including, but not limited to, North 46th Street, North 39th Street, Nickerson Street, Dexter Avenue North, Mercer Street, and West Mercer Street; and

(ii) Providing for traffic light synchronization, and addressing on-street parking, congestion near the Aurora Avenue bridge related to the Queen Anne Drive and 6th Avenue North turnaround, and bridge policies that affect congestion and traffic flow; and

(c) Prior to removal of the viaduct, developing and implementing a plan that maximizes safe and efficient vehicle throughput on Mercer Street, including: Optimizing traffic flow on Mercer Street, which includes two-way West Mercer Street improvements, and from Elliott Avenue to state route number 99; and providing safe and efficient access to state route number 99 and the deep bored tunnel.

(2) In order to ensure that the city of Seattle complies with its commitment as described in subsection (1) of this section, the state shall make fifty million dollars of the transportation partnership account--state appropriation as provided in the 2009-2011 omnibus transportation appropriations act, or as much thereof as is appropriated from this account, whichever is smaller, available for contribution to the south Spokane Street viaduct component of the Alaskan Way viaduct replacement project, contingent on the city of Seattle complying with this section.

(3) All costs related to the work performed by the city of Seattle to provide adequate and efficient access for freight and vehicles along the state route number 99 corridor, as described in subsection (1) of this section, shall be borne by the city.

(4) The city of Seattle may comply with this section by entering into an agreement with the department of transportation in which the city agrees to make all improvements identified in subsection (1) of this section and to be solely responsible for all costs associated with the listed improvements.

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 July 1, 2009."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Eddy; Finn; Herrera; Johnson; Moeller; Rolfes; Sells; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Cox; Dickerson; Driscoll; Ericksen; Klippert; Kristiansen; Morris; Shea and Simpson.

Passed to Committee on Rules for second reading.

April 6, 2009

ESSB 5840 Prime Sponsor, Committee on Environment, Water & Energy: Modifying the energy independence act. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Technology, Energy & Communications. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Hudgins; Kenney; Sells; Short and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5889 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing flexibility in the education system. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

((~~By July 1st of each year,~~)) (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to

the extent required under subsection (2) of this section. ((~~For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year,~~)) The program plan must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ((~~subsections (1)~~)) (a) through ((~~(8)~~)) (h) of this ((~~section~~)) subsection. The school district plan shall include the following:

((~~(1)~~)) (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

((~~(2)~~)) (b) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

((~~(3)~~)) (c) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

((~~(a)~~)) (i) Achievement goals for the students;

((~~(b)~~)) (ii) Roles of the student, parents, or guardians and teachers in the plan;

((~~(c)~~)) (iii) Communication procedures regarding student accomplishment; and

((~~(d)~~)) (iv) Plan reviews and adjustments processes;

((~~(4)~~)) (d) How state level and classroom assessments are used to inform instruction;

((~~(5)~~)) (e) How focused and intentional instructional strategies have been identified and implemented;

((~~(6)~~)) (f) How highly qualified instructional staff are developed and supported in the program and in participating schools;

((~~(7)~~)) (g) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

((~~(8)~~)) (h) How a program evaluation will be conducted to determine direction for the following school year.

(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.

Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:

A participating school district shall ((~~annually~~)) submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read as follows:

The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules ((~~and regulations~~)) regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules ((~~and regulations~~)) shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ((~~print and distribute the~~)) provide to appropriate school officials and personnel, access and notice of these rules ((~~and regulations~~)) of the state board of health ((~~above provided to appropriate school officials and personnel~~)). Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules.

Sec. 4. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:

The superintendent of public instruction shall ((~~print and distribute~~)) provide access to appropriate school officials the rules ((~~and regulations~~)) adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section.

Sec. 5. RCW 28A.225.005 and 1992 c 205 s 201 are each amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ((~~distribute~~)) provide access to the information at least annually. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 6. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ((~~distribute an~~)) provide access to information ((~~booklet~~)) outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ((~~Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries~~)) School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ((~~28A.600.395~~)) 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 7. RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 8. RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in ((~~the fourth or fifth grades [grade],~~)) the seventh or eighth ((~~grades [grade]~~)) grade, and the eleventh or twelfth ((~~grades [grade]~~)) grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section.

Sec. 9. RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

(((~~(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.~~))

Sec. 10. RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be ((~~provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system~~)) made available online and which shall be sold at approximate actual cost of publication and distribution per volume to ((~~all other~~)) public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

Sec. 11. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

Sec. 12. RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian.

Sec. 13. RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

Sec. 14. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, ((~~school-to-work transition,~~)) tech prep, ((~~vocational-technical~~)) career and technical education, running start, and preparation for technical college, community college, or university education.

Sec. 15. RCW 28A.655.075 and 2007 c 396 s 16 are each amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section,

then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 16. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification ((~~annually or upon enrollment~~)), upon request, to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

(a) The product name of the pesticide to be applied;

(b) The intended date and time of application;

(c) The location to which the pesticide is to be applied;

(d) The pest to be controlled; and

(e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

(i) The product name of the pesticide applied;

(ii) The date and time of application;

(iii) The location to which the pesticide was applied;

(iv) The pest to be controlled; and

(v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

Sec. 17. RCW 28A.650.015 and 2006 c 263 s 917 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund.

Sec. 18. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts.

NEW SECTION. Sec. 19. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.230.092 (Washington state history and government--Course content) and 2008 c 190 s 2;

(2) RCW 28A.230.185 (Family preservation education program) and 2005 c 491 s 2;

(3) RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6;

(4) RCW 28A.600.415 (Alternatives to suspension--Community service encouraged--Information provided to school districts) and 1992 c 155 s 2;

(5) RCW 28A.625.010 (Short title) and 1995 c 335 s 107, 1990 c 33 s 513, & 1986 c 147 s 1;

(6) RCW 28A.625.020 (Recipients--Awards) and 1991 c 255 s 1;

(7) RCW 28A.625.030 (Washington State Christa McAuliffe award for teachers) and 1991 c 255 s 2 & 1986 c 147 s 3;

(8) RCW 28A.625.042 (Certificates--Recognition awards) and 1994 c 279 s 4;

(9) RCW 28A.625.050 (Rules) and 1995 c 335 s 108, 1991 c 255 s 8, 1990 c 33 s 516, 1988 c 251 s 2, & 1986 c 147 s 5;

(10) RCW 28A.625.350 (Short title) and 1990 1st ex.s. c 10 s 1;

(11) RCW 28A.625.360 (Excellence in teacher preparation award) and 2006 c 263 s 804 & 1990 1st ex.s. c 10 s 2;

(12) RCW 28A.625.370 (Award for teacher educator) and 2006 c 263 s 820 & 1990 1st ex.s. c 10 s 3;

(13) RCW 28A.625.380 (Rules) and 2006 c 263 s 821 & 1990 1st ex.s. c 10 s 4;

(14) RCW 28A.625.390 (Educational grant--Eligibility--Award) and 2006 c 263 s 822 & 1990 1st ex.s. c 10 s 5;

(15) RCW 28A.625.900 (Severability--1990 1st ex.s. c 10) and 1990 1st ex.s. c 10 s 10;

(16) RCW 28A.630.045 (Local control and flexibility in assessments--Pilot project) and 2006 c 175 s 1; and

(17) RCW 28A.630.881 (School-to-work transition project--Findings--Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

NEW SECTION. Sec. 20. Sections 11, 13, and 15 of this act expire July 1, 2011."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5899 Prime Sponsor, Committee on Ways & Means: Providing a business and occupation tax credit for qualified employment positions. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

April 3, 2009

2SSB 5973 Prime Sponsor, Committee on Ways & Means: Closing the achievement gap in K-12 schools. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap and to affirm the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) The legislature further finds that access to comprehensive and consistent data that is disaggregated in the smallest units allowable by law is important in closing the achievement gap. Policymakers and educators need as much information as possible not only about students' academic progress, but also about other factors across multiple disciplines that affect student performance.

(3) A consistent and powerful theme throughout the achievement gap studies was the need for cultural competency in instruction, curriculum, assessment, and professional development. Cultural competency forms a foundation for efforts to address the achievement gap, and more work is needed to embed it into the public school system.

(4) Therefore, following the priority recommendations from the achievement gap studies, the legislature intends to:

(a) Provide resources to support parent and community involvement and outreach efforts by public schools, including such items as additional notices and communication to parents, translations, translators, parent and community meetings, and school events within the community. The legislature encourages school

districts to consult with the office of the education ombudsman in developing plans for parent and community involvement and outreach;

(b) Require that teachers demonstrate cultural competency in the classroom and with students at each level of state teacher certification, and provide additional opportunities for professional development in cultural competency for current teachers;

(c) Create local alternative routes to teacher certification for paraeducators and individuals in the communities surrounding schools and school districts that are struggling to address the achievement gap;

(d) Reexamine the study recommendations regarding data and accountability and identify ways for the education data system to address these needs; and

(e) Sustain efforts to close the achievement gap over the long term by creating a high profile achievement gap oversight and accountability committee that will provide ongoing advice to education agencies and report annually to the legislature and the governor.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) An achievement gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The achievement gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombudsman;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction; and

(e) Five members representing different populations of students, appointed by the governor in consultation with the state ethnic commissions and representatives of the federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state. The governor-appointed members shall be certificated staff with classroom experience within the previous ten years.

(5) The committee may convene ad hoc working groups to obtain additional input and participation from community members. Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(6) The chair or cochairs of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

Sec. 3. RCW 28A.300.137 and 2008 c 298 s 3 are each amended to read as follows:

Beginning in January 2010, the ((~~center for the improvement of student learning~~)) achievement gap oversight and accountability committee shall report annually to the superintendent of public instruction, the state board of education, the professional educator standards board, the governor, ((~~the P-20 council,~~)) and the education committees of the legislature on the ((~~implementation status of~~)) strategies to address the achievement gap ((~~for African-American students~~)) and on the progress in improvement of education performance measures for African-American, Hispanic, American Indian/Alaskan Native, Asian, and Pacific Islander/Hawaiian Native students.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

All student data related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

NEW SECTION. Sec. 5. A new section is added to chapter 28A.410 RCW to read as follows:

(1) The professional educator standards board, in consultation and collaboration with the achievement gap oversight and accountability committee established under section 2 of this act, shall identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards.

(2) For the purposes of this section, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.660 RCW to read as follows:

The office of the superintendent of public instruction shall identify school districts that have the most significant achievement gaps among subgroups of students and for large numbers of those students, and districts that should receive priority for assistance in advancing cultural competency skills in their workforce. The professional educator standards board shall provide assistance to the identified school districts to develop partnership grant programs between the districts and teacher preparation programs to provide one or more of the four alternative route programs under RCW

28A.660.040 and to recruit paraeducators and other individuals in the local community to become certified as teachers. A partnership grant program proposed by an identified school district shall receive priority eligibility for partnership grants under RCW 28A.660.020. To the maximum extent possible, the board shall coordinate the recruiting Washington teachers program under RCW 28A.415.370 with the alternative route programs under this section.

NEW SECTION. Sec. 7. The superintendent of public instruction shall take all actions necessary to secure federal funds to support enhancing data collection and data system capacity in order to monitor progress in closing the achievement gap and to support other innovations and model programs that align education reform and address disproportionality in the public school system."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 6016 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding educator training to enhance skills of students with dyslexia. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

THIRD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 6, 2009

HB 2211 Prime Sponsor, Representative Clibborn: Addressing the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Shea and Simpson.

Passed to Committee on Rules for second reading.

April 6, 2009

SSB 5556 Prime Sponsor, Committee on Transportation: Concerning toll enforcement for infractions detected through the use of a photo enforcement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.160 and 2007 c 372 s 2 and 2007 c 101 s 2 are each reenacted and amended to read as follows:

(1) This section applies only to infractions issued under RCW 46.61.690 for toll collection evasion using a photo monitoring system. The photo monitoring system shall be used to detect infractions and issue notices of infractions as follows:

(a) Where a photo toll is assessed and a toll bill is issued, failure to pay the toll bill within forty-five days from the date the toll bill is issued is an infraction, and a notice of infraction may be issued.

(b) Where a toll facility does not assess photo tolls, failure to pay a toll immediately upon using the toll facility is an infraction, and a notice of infraction may be issued.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo ((~~enforcement~~)) monitoring systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the ((~~toll patron~~)) customer the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the ((~~patron's~~)) customer's account.

(5) "Photo ((~~enforcement~~)) monitoring system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle ((~~operated in violation of an infraction under this chapter~~)) using an eligible toll facility.

(6) "Photo toll" means a toll assessed pursuant to the vehicle license information gathered by a photo monitoring system. A photo toll may include an administrative fee.

(7) "Electronic toll" means the charge made to a customer's toll account when the customer's vehicle is detected by the electronic toll collection system at a toll facility. An electronic toll does not include an administrative fee.

(8) "State toll agency" means the governing body that is legally empowered to operate the tolling program, as defined under RCW 47.56.810, including collection and enforcement of tolls on eligible toll facilities as defined under RCW 47.56.810.

(9) "Toll bill" means the bill sent by the state toll agency to a customer for a photo toll, plus an appropriate administrative fee, and if unpaid after forty-five days from the date billed, automatically becomes an infraction, and a notice of infraction may be issued to the customer.

(10) "Customer," for toll billing purposes, means the registered owner of the vehicle who incurs a toll through the use of an eligible toll facility.

(11) "Open road tolling" means a toll system that uses a combination of electronic tolling and photo tolling to collect all tolls on a toll facility. Toll booths are not available so vehicles may

maintain regular traffic speeds when passing through an open road toll facility.

(12) "Notice of infraction" means a notice informing the customer that he or she has committed an infraction by failing to pay a toll when due and is therefore subject to penalties and administrative fees as authorized by law.

(13) The use of a toll collection system is subject to the following requirements:

(a) The ((~~department of transportation~~)) state toll agency shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits. To the extent practicable, the state toll agency shall adopt electronic toll collection systems that allow anonymous customers and anonymous accounts that are not linked to a specific vehicle.

(b) The ((~~department of transportation~~)) state toll agency may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(((~~(7)~~))) (c) All records of travel created by a toll collection system that identify a specific person, vehicle, or account are for the exclusive use of the state toll agency and law enforcement in the collection and billing of tolls and in the discharge of duties under this section and are not open to the public, and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a toll charge or violation under this chapter or chapter 47.56 RCW. Records identifying a specific instance of travel must not be retained by the department longer than necessary to ensure payment of the tolls or verify that tolls are paid. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(14) The use of a photo ((~~enforcement~~)) monitoring system for issuance of notices of infraction is subject to the following requirements:

(a) Photo ((~~enforcement~~)) monitoring systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) ((~~A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation.~~)) The law enforcement officer or state toll agency issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo ((~~enforcement~~)) monitoring system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than enforcement ((~~of violations under this chapter~~)) nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo ((~~enforcement~~)) monitoring system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo ((~~enforcement~~)) monitoring system.

(((~~(8)~~))) (15) Infractions detected through the use of photo ((~~enforcement~~)) monitoring systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of photo enforcement systems under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW ((~~3.46.120,~~)) 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

(((~~(9)~~))) (16) The penalty for an infraction detected through the use of a photo ((~~enforcement~~)) monitoring system shall be forty dollars plus an additional toll penalty. One dollar of the infraction amount must be forwarded to the state treasurer for deposit in the judicial information system account established in RCW 2.68.020 to be used to provide courts with automated systems that support court management of infractions detected through the use of photo monitoring systems. The toll penalty is ((~~equal to three times the cash toll for a standard passenger car during peak hours~~)) twelve dollars. ((~~Any reduction in the total penalty imposed shall be made proportionally between the forty-dollar penalty and the toll penalty.~~)) The toll penalty may not be reduced. The court shall remit the toll penalty to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid.

(((~~(10)~~))) (17) If the registered owner of the vehicle is a rental car business the ((~~department of transportation~~)) state toll agency or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement or toll agency relieves a rental car business of any liability under this chapter for the notice of infraction.

Sec. 2. RCW 47.56.810 and 2008 c 122 s 3 are each amended to read as follows:

The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise:

(1) "Tolling authority" means the governing body that is legally empowered to review and adjust toll rates. Unless otherwise

delegated, the transportation commission is the tolling authority for all state highways.

(2) "Eligible toll facility" or "eligible toll facilities" means portions of the state highway system specifically identified by the legislature including, but not limited to, transportation corridors, bridges, crossings, interchanges, on-ramps, off-ramps, approaches, bistate facilities, and interconnections between highways.

(3) "Toll revenue" or "revenue from an eligible toll facility" means toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of the eligible toll facility.

(4) "Tolling program" means the tolling operation used by an eligible toll facility within the state, and may include toll collection and toll enforcement processes.

(5) "State toll agency" means the governing body that is legally empowered to operate tolling programs, including collection and enforcement of tolls on eligible toll facilities.

(6) "Customer-initiated payment" means the payment of a photo toll, plus an administrative fee, prior to the issuance of a toll bill.

(7) "Electronic toll collection system" means a system used by a toll facility that works in conjunction with a customer's toll account to facilitate the collection of tolls based on motor vehicle transponder interaction that is then used to charge the appropriate electronic toll to the customer's toll account.

(8) "Electronic toll" means the charge made to a customer's toll account when the customer's vehicle is detected by the electronic toll collection system at a toll facility. An electronic toll does not include an administrative fee.

(9) "Electronic tolling" means collecting tolls through charging electronic tolls.

(10) "Photo monitoring system" means a system used by a toll facility that captures images of vehicles and vehicle license plates using the toll facility. The system includes a vehicle sensor that may work in conjunction with an electronic toll collection system and may capture only the license plate image by photographing or videotaping images of the license plate of a vehicle that uses a toll facility without registering an electronic toll collection payment at the toll collection point. The state toll agency may collect and use this information for photo toll collection.

(11) "Photo toll" means a toll assessed pursuant to the vehicle license information gathered by a photo monitoring system. A photo toll may include an administrative fee.

(12) "Photo tolling" means collecting tolls by issuing photo tolls.

(13) "Toll bill" means the bill sent by the tolling agency to a customer for a photo toll, plus an appropriate administrative fee. If unpaid after forty-five days from the date the bill was issued, the unpaid photo toll becomes an infraction under RCW 46.61.690, and a notice of infraction may be issued to the customer.

(14) "Customer," for toll billing purposes, means the registered owner of the vehicle incurring a toll through the use of an eligible toll facility.

(15) "Variable pricing" or "variable tolling" means establishing toll rates for a toll facility that will change at set times of day to improve system performance.

(16) "Dynamic tolling" means establishing a range of toll rates for a toll facility that will change throughout the day in response to traffic conditions to improve system performance.

(17) "Transponder" means the electronic device mounted on the vehicle for collection of tolls through an electronic toll collection system.

(18) "Open road tolling" means a toll system that uses a combination of electronic tolling and photo tolling to collect all tolls on a toll facility.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

This section applies to toll facilities using open road tolling.

(1) Toll collection systems may include electronic toll collection and photo monitoring, as well as other systems as technology becomes available.

(2) Tolls may be collected and paid by the following methods:

(a) A customer may pay an electronic toll through an electronic toll collection account; or

(b) A customer who does not have an electronic toll collection account may pay a photo toll either through customer-initiated payment or in response to a toll bill.

(3) Where a photo toll is detected, a customer may initiate payment prior to or within seventy-two hours of toll facility use.

(4) A toll bill may be sent to the customer if the photo toll remains unpaid after seventy-two hours.

(5) The customer has forty-five days from the date the toll bill is issued to pay the photo toll. If the photo toll remains unpaid after the forty-five day period, the customer is guilty of an infraction under RCW 46.61.690, and a notice of infraction may be issued under RCW 46.63.160.

(6) Photo monitoring systems may capture recorded images of vehicles and vehicle license plates only. Images may only be used for toll collection, billing, and enforcement.

Sec. 4. RCW 46.61.690 and 2004 c 231 s 1 are each amended to read as follows:

Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, a political subdivision or municipal corporation empowered to operate toll facilities, or an entity operating a toll facility under a contract with the department of transportation, a political subdivision, or municipal corporation, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls ((~~at the designated station for collecting tolls~~)), commits a traffic infraction if:

(1) The person does not pay, refuses to pay, evades, or attempts to evade the payment of such tolls((~~, or~~)) as follows:

(a) Where a photo toll is assessed, failure to pay the photo toll within forty-five days from the date the photo toll bill is issued is an infraction; or

(b) On a toll facility that does not assess photo tolls, failure to pay a toll immediately upon using the toll facility is an infraction;

(2) The person uses or attempts to use any spurious, counterfeit, or stolen ticket, coupon, token, or electronic device for payment of any such tolls((~~, or~~
~~(2)~~));

(3) The person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns((~~,~~));; or

(((~~(3)~~))) (4) The person refuses to move a vehicle through the toll facility after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll facility for the purpose of collecting tolls.

Sec. 5. RCW 46.63.030 and 2007 c 101 s 1 are each amended to read as follows:

(1) A law enforcement officer, or the state toll agency as defined under RCW 47.56.810 in the case of toll enforcement under (d) of this subsection, has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of a photo ((~~enforcement~~)) monitoring system under RCW 46.63.160; or

(e) When the infraction is detected through the use of an automated traffic safety camera under RCW 46.63.170.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 6. RCW 46.63.075 and 2005 c 167 s 3 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of a photo ((~~enforcement~~)) monitoring system under RCW 46.63.160, or detected through the use of an automated traffic safety camera under RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW 46.63.160 or 46.63.170, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) For infractions detected through the use of an automated traffic safety camera under RCW 46.63.170 only, this presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

NEW SECTION. Sec. 7. A new section is added to chapter 47.56 RCW to read as follows:

The department shall report to the transportation committees of the legislature by December 1, 2009, with recommendations for providing a similar time frame for the payment of tolls prior to the issuance of an infraction on the Tacoma Narrows bridge as is contemplated for the state route number 520 floating bridge and the steps necessary to convert the toll collection system on the Tacoma Narrows bridge to an open road tolling system.

NEW SECTION. Sec. 8. The code reviser shall alphabetize and renumber the definitions in RCW 46.63.160 and 47.56.810."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

April 6, 2009

SSB 5760 Prime Sponsor, Committee on Ways & Means: Regarding the University of Washington's and Washington State University's public works contracting procedures. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 7, after "thereto," strike "does not include state-appropriated funds" and insert "is provided with federal funds through the American recovery and reinvestment act of 2009"

On page 2, beginning on line 16, after "project" strike "does not include state-appropriated funds" and insert "is federal funds through the American recovery and reinvestment act of 2009"

On page 3, beginning on line 5, strike all of subsections (3) and (4) and insert the following:

"(3) This section expires June 30, 2013. The University of Washington shall report on the status and performance of projects using federal funds through the American recovery and reinvestment act of 2009 to fiscal committees of the legislature and the capital projects review board by December 1, 2010."

On page 3, after line 16, insert the following:

"**Sec. 2.** RCW 28B.20.140 and 1969 ex.s. c 223 s 28B.20.140 are each amended to read as follows:

(1) The board of regents shall enter into such contracts with one or more contractors for the erection and construction of university buildings or improvements thereto as in their judgment shall be deemed for the best interest of the university; subject to subsections (2) and (3) of this section, such contract or contracts shall be let after public notice and under such regulations as shall be established by said board or as otherwise provided by law to the person or persons able to perform the same on the most advantageous terms: PROVIDED, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: AND PROVIDED FURTHER, That the board shall

not have the power to enter into any contract for the erection of any buildings or improvements which shall bind said board to pay out any sum of money in excess of the amount provided for said purpose.

(2) The board of regents must comply with the requirements of chapter 39.10 RCW when using any alternative contracting procedure authorized pursuant to chapter 39.10 RCW.

(3) Prior to adoption of any alternative public works contracting procedure not authorized in chapter 39.10 RCW, the board of regents must submit the proposed contracting procedure to the capital projects advisory review board established under chapter 39.10 RCW for evaluation and approval pursuant to RCW 39.10.230. Final adoption and use of any alternative public works contracting procedure is contingent on approval by the capital projects advisory review board.

Sec. 3. RCW 39.10.200 and 2007 c 494 s 1 are each amended to read as follows:

The legislature finds that the traditional process of awarding public works contracts in lump sum to the lowest responsible bidder is a fair and objective method of selecting a contractor. However, under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria. The purpose of this chapter is to authorize the use of certain supplemental alternative public works contracting procedures, to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures. It is the intent of the legislature to establish that, unless otherwise specifically provided for in law, public bodies may use only those alternative public works contracting procedures either specifically authorized in this chapter, subject to the requirements of this chapter, or those approved for use on a demonstration project by the capital projects advisory review board.

Sec. 4. RCW 39.10.230 and 2007 c 494 s 103 are each amended to read as follows:

The board has the following powers and duties:

(1) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

(2) Evaluate the use of existing contracting procedures ((~~and potential future use of~~));

(3) Evaluate other alternative contracting procedures including competitive negotiation contracts, for: (a) Potential future use; and (b) approval to use as a demonstration project;

(4) Submit a report to the appropriate committees of the legislature evaluating any alternative contracting procedure that is not authorized under this chapter and has been submitted to the board for its review or approval. The report must:

(a) Include a recommendation regarding use of the alternative contracting procedure by other public bodies; and

(b) Be submitted by December of the next regular legislative session following completion of the evaluation;

(((~~(3)~~))) (5) Appoint members of the committee; and

(((~~(4)~~))) (6) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

Sec. 5. RCW 39.10.210 and 2007 c 494 s 101 are each amended to read as follows:

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

(1) "Alternative public works contracting procedure" means the design-build, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.300, 39.10.340, and 39.10.420, respectively. It also means other contracting procedures submitted to the board under RCW 39.10.230 for approval to use as a demonstration project.

(2) "Board" means the capital projects advisory review board.

(3) "Committee" means the project review committee.

(4) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(5) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

(6) "General contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to provide services during the design phase and to act as construction manager and general contractor during the construction phase.

(7) "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(8) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(9) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

(10) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal.

(11) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

(12) "Public body" means any general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts.

(13) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under RCW 39.10.270.

(14) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

(15) "Total project cost" means the cost of the project less financing and land acquisition costs.

(16) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

(17) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 6. RCW 43.131.408 and 2007 c 494 s 507 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2014:

(1) RCW 39.10.200 and section 3 of this act, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and section 5 of this act, 2007 c 494 s 101, & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

(4) RCW 39.10.230 and section 4 of this act, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2007 c 494 s 104;

(6) RCW 39.10.250 and 2007 c 494 s 105;

(7) RCW 39.10.260 and 2007 c 494 s 106;

(8) RCW 39.10.270 and 2007 c 494 s 107;

(9) RCW 39.10.280 and 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;

(12) RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;

(13) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;

(14) RCW 39.10.330 and 2007 c 494 s 204;

(15) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;

(16) RCW 39.10.350 and 2007 c 494 s 302;

(17) RCW 39.10.360 and 2007 c 494 s 303;

(18) RCW 39.10.370 and 2007 c 494 s 304;

(19) RCW 39.10.380 and 2007 c 494 s 305;

(20) RCW 39.10.390 and 2007 c 494 s 306;

(21) RCW 39.10.400 and 2007 c 494 s 307;

(22) RCW 39.10.410 and 2007 c 494 s 308;

(23) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;

(24) RCW 39.10.430 and 2007 c 494 s 402;

(25) RCW 39.10.440 and 2007 c 494 s 403;

(26) RCW 39.10.450 and 2007 c 494 s 404;

(27) RCW 39.10.460 and 2007 c 494 s 405;

(28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;

(29) RCW 39.10.480 and 1994 c 132 s 9;

(30) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;

(31) RCW 39.10.500 and 2007 c 494 s 502;

(32) RCW 39.10.510 and 2007 c 494 s 503;

(33) RCW 39.10.900 and 1994 c 132 s 13;

(34) RCW 39.10.901 and 1994 c 132 s 14; and

(35) RCW 39.10.903 and 2007 c 494 s 510."

Renumber the remaining section consecutively.

On page 4, beginning on line 1, after "thereto," strike "does not include state-appropriated funds" and insert "is provided with federal funds through the American recovery and reinvestment act of 2009"

On page 4, beginning on line 10, after "project" strike "does not include state-appropriated funds" and insert "is federal funds through the American recovery and reinvestment act of 2009"

Beginning on page 4, line 37, strike all of subsections (3) and (4) and insert the following:

"(3) This section expires June 30, 2013. Washington State University shall report on the status and performance of projects using federal funds through the American recovery and reinvestment act of 2009 to fiscal committees of the legislature and the capital projects review board by December 1, 2010."

On page 5, after line 10, insert the following:

"**Sec. 7.** RCW 28B.30.700 and 1985 c 390 s 41 are each amended to read as follows:

(1) The board of regents of Washington State University is empowered, in accordance with the provisions of RCW 28B.30.700 through 28B.30.780, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature, subject to subsections (2) and (3) of this section, for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of building fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

(2) The board of regents must comply with the requirements of chapter 39.10 RCW when using any alternative contracting procedure authorized pursuant to chapter 39.10 RCW.

(3) Prior to adoption of any alternative public works contracting procedure not authorized in chapter 39.10 RCW, the board of regents must submit the proposed contracting procedure to the capital projects advisory review board established under chapter 39.10 RCW for evaluation and approval pursuant to RCW 39.10.230. Final adoption and use of any alternative public works contracting procedure is contingent on approval by the capital projects advisory review board."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Chase; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

April 6, 2009

ESSB 5807 Prime Sponsor, Committee on Ways & Means: Concerning the use of capital projects funds by school districts. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the quality of public school buildings is a vital element of providing a quality education, and that extending the useful life of such buildings through major equipment repair and major preventive maintenance is an essential element of a comprehensive program to provide quality public school buildings. Further, major equipment repair and major preventive maintenance which prolongs the useful life of school buildings will reduce other capital costs needed for school buildings. Accordingly, the legislature finds that renovation and replacement of major building facilities and systems that extends the useful life of these facilities and systems beyond their original planned life shall be considered construction, remodeling, or modernization of the affected facilities and systems, as such terms are used in RCW 84.52.053 and Article VII, section 2 of the state Constitution. It is the intent of the legislature that these expenditures be deemed for a major capital purpose and are also permitted uses of funds created by a district's two to six-year levies authorized by RCW 84.52.053.

Sec. 2. RCW 28A.320.330 and 2007 c 503 s 2 and 2007 c 129 s 2 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation((~~, including the~~)) and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. ((~~Major~~)) Such renovation and replacement shall include, but shall not be limited to, major repairs, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventive maintenance purposes. Funds used for this purpose may not supplant routine annual preventive maintenance expenditures made from the district's general fund. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forest land revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 3. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to

enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

NEW SECTION. Sec. 4. This act expires July 1, 2013."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

April 6, 2009

ESSB 5873 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding apprenticeship utilization. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

April 6, 2009

SB 5976 Prime Sponsor, Senator Haugen: Extending tire replacement fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Campbell; Dickerson; Eddy; Finn; Johnson; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Cox; Driscoll; Ericksen; Herrera; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

April 6, 2009

SSB 6088 Prime Sponsor, Committee on Transportation: Addressing commute trip reduction for state agencies. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

On page 1, line 13, after "agencies" insert ", as defined in RCW 40.06.010"

On page 2, line 23, after "interagency board" insert "or other interested parties"

On page 2, line 26, after "70.94.531" insert "or developed under the joint comprehensive commute trip reduction plan described in this section"

On page 2, line 27, after "transportation," insert "general administration,"

On page 3, line 15, after "transportation shall" insert "work with applicable state agencies, including institutions of higher education, and shall"

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 5492, and the bill was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., April 7, 2009, the 86th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk