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SIXTIETH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, March 3, 2008

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

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

INTRODUCTION & FIRST READING

HB 3383 by Representatives Fromhold and McDonald

AN ACT Regarding to state general obligation bonds and related accounts.

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 committees so designated.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed HOUSE BILL NO. 2437.

The Speaker called upon Representative Kessler to preside.

REPORTS OF STANDING COMMITTEES

March 1, 2008

SSB 5104 Prime Sponsor, Senate Committee on Higher Education: Expanding the applied baccalaureate degree pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the six colleges that developed proposals for the applied baccalaureate degree pilot programs exhibited exemplary work preparing proposals. The proposals were consistent with the legislature's vision for expanding bachelor's degree access and with the principals and

criteria developed by the college board. The legislature recognizes that the authorization for the pilots was limited in number and therefore not all the proposals were able to be approved. The legislature values the work that has been done and intends to provide authority for additional pilots so as not to lose the good work that has been done.

Sec. 2. RCW 28B.50.810 and 2005 c 258 s 6 are each amended to read as follows:

(1) By April 2006, the college board shall select four community or technical colleges to develop and offer programs of study leading to an applied baccalaureate degree. At least one of the four pilot programs chosen must lead to a baccalaureate of applied science degree which builds on an associate of applied science degree. The college board shall convene a task force that includes representatives of both the community and technical colleges to develop objective selection criteria.

(2) By February 2008, the college board shall select up to three colleges to develop and offer programs of study leading to an applied baccalaureate degree. At least one of the colleges selected must be a technical college. The college board shall use the objective selection criteria developed under subsections (1) and (3) of this section to make the selection.

(3) Colleges may submit an application to become a pilot college under this section. The college board shall review the applications and select the pilot colleges using objective criteria, including:

(a) The college demonstrates the capacity to make a long-term commitment of resources to build and sustain a high quality program;

(b) The college has or can readily engage faculty appropriately qualified to develop and deliver a high quality curriculum at the baccalaureate level;

(c) The college can demonstrate demand for the proposed program from a sufficient number of students within its service area to make the program cost-effective and feasible to operate;

(d) The college can demonstrate that employers demand the level of technical training proposed within the program, making it cost-effective for students to seek the degree; and

(e) The proposed program fills a gap in options available for students because it is not offered by a public four-year institution of higher education in the college's geographic area.

~~((3))~~ (4) A college selected as a pilot college under this section may develop the curriculum for and design and deliver courses leading to an applied baccalaureate degree. However, degree programs developed under this section are subject to approval by the college board under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230 before a pilot college may enroll students in upper division courses. A pilot college approved under subsection (1) of this section may not enroll students in upper division courses before the fall academic quarter of 2006.

A pilot college approved under subsection (2) of this section may not enroll students in upper division courses before the fall academic quarter of 2009.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2008

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

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) "Hearth products" means any fuel gas or oil-fueled appliance that has a visual presence in a living space of a residence or any outdoor fuel gas barbecue or fireplace that is listed to the appropriate underwriters laboratories, American national standards institute, or ASTM international product safety standard.

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

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

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

(c) Serving in the United States armed forces.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) This section does not apply to:

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

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

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

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

(2) Except as provided in section 4(1)(o) of this act, no political subdivision of the state shall require a person possessing a valid HVAC/R certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate issued by the department under this chapter, or any person who is exempted under this chapter to demonstrate any additional proof of competency in, obtain any license for, or pay any fee to perform HVAC/R work in that political subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Using only class A1 refrigerants;

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

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

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

(3) This section expires June 30, 2013.

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 7. HVAC/R MECHANIC CERTIFICATES--SCOPE OF WORK. The department may issue the following HVAC/R mechanic certificates to an applicant who has successfully met the requirements under this chapter for an HVAC/R certificate, and the scope of work that may be performed by a person under each of the HVAC/R mechanic certificates is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 8. TEMPORARY HVAC/R CERTIFICATE--APPLICATION--EXAMINATION REQUIRED. (1) On and after July 1, 2010, a person who has performed HVAC/R work in other states or countries may, in a form and manner prescribed by the department, apply for a temporary HVAC/R

mechanic certificate to perform HVAC/R work in this state. The application shall contain evidence of the person's hours of HVAC/R work in the other states or countries that is verifiable by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) The hours accrued as an HVAC/R operating engineer under this section may accrue towards the hours required to be eligible to

take an examination for an HVAC/R mechanic certificate under section 14 of this act only if the HVAC/R operating engineer is supervised by an appropriately certified HVAC/R mechanic or appropriately supervised specialty mechanic and was issued a trainee certificate under section 9 of this act.

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

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

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

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

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

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

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

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

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

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

(4) This section expires July 1, 2010.

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

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

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

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

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

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

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

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

(5) This section expires July 1, 2010.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) A person issued an HVAC/R mechanic certificate or specialty certificate shall have the certificate in his or her possession

Type of Certificate	Substitution for Hours of HVAC/R Work
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when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Determined to be eligible for examination under section 14(2)(a)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining one thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic

I certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic I certificate and this person may not supervise other trainees until they have completed the full two thousand hours of HVAC/R work required by this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The board shall:

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

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

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

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

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

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

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

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

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

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

- (1) Modify, amend, or supersede chapter 18.106 or 19.28 RCW;
- (2) Prohibit or restrict an individual who is certified under chapter 18.106 or 19.28 RCW from engaging in the trade in which he or she is certified; or
- (3) Regulate or include plumbing work defined in chapter 18.106 RCW and its applicable rules or electrical work defined in chapter 19.28 RCW and its applicable rules.

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

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

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

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

- (1) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;
- (2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;
- (3) A statement of the violation that necessitated issuance of the infraction;
- (4) A statement of penalty involved if the infraction is established;
- (5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;
- (6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person

may subpoena witnesses, including the compliance agent of the department who issued and served the notice of infraction;

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 34. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 35. EFFECTIVE DATE. This act takes effect July 1, 2008.

NEW SECTION. Sec. 36. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Green; Haigh; Hunt; Hunter; Kagi; Kenney; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Grant; Hinkle; Kessler; Kretz; Linville; McDonald; Priest; Ross; Schmick and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2008

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

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.185C RCW to read as follows:

(1) The transitional housing operating and rent program is created in the department to assist homeless individuals and families secure and retain safe, decent, and affordable housing. The department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

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

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

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

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

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

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

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

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

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

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

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

(4) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180. For eligible organizations serving victims of domestic violence or sexual assault, compliance with this subsection must be accomplished in accordance with 42 U.S.C. Sec. 11383(a)(8).

(5) The department encourages eligible organizations funded through the program to have a quality management system and to submit an application to the Washington state quality award program to evaluate that system.

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

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

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

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

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

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

NEW SECTION. Sec. 2. A new section is added to chapter 43.185C RCW to read as follows:

The transitional housing operating and rent account is created in the custody of the state treasurer. All receipts from sources directed to the transitional housing operating and rent program must be deposited into the account. Expenditures from the account may be used solely for the purpose of the transitional housing operating and rent program as described in section 1 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 3. RCW 59.18.600 (Rental to offenders--Limitation on liability) and 2007 c 483 s 602 are each repealed.

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

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Sullivan.

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

Passed to Committee on Rules for second reading.

March 1, 2008

2SSB 6206 Prime Sponsor, Senate Committee on Ways & Means: Concerning agency reviews and reports regarding child abuse, neglect, and near fatalities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read as follows:

(1) The department of social and health services shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in

chapter 74.13 RCW from the department or who has been in the care of or received services described in chapter 74.13 RCW from the department within one year preceding the minor's death.

(2) Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review to the appropriate committees of the legislature and shall make copies of the report available to the public upon request, unless an extension has been granted by the governor.

(3) The department shall develop and implement procedures to carry out the requirements of subsections (1) and (2) of this section.

(4) In the event a child fatality is the result of apparent abuse or neglect by the child's parent or caregiver, the department shall ensure that the fatality review team is comprised of individuals who had no previous involvement in the case and whose professional expertise is pertinent to the dynamics of the case.

(5) In the event of a near-fatality of a child who is in the care of or receiving services described in this chapter from the department or who has been in the care of or received services described in this chapter from the department within one year preceding the near-fatality, the department shall promptly notify the office of the family and children's ombudsman.

NEW SECTION. Sec. 2. A new section is added to chapter 43.06A RCW to read as follows:

The office of the family and children's ombudsman shall issue an annual report to the legislature on the status of the implementation of child fatality review recommendations.

Sec. 3. RCW 43.06A.100 and 1999 c 390 s 5 are each amended to read as follows:

The department of social and health services shall:

(1) Allow the ombudsman or the ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under this chapter;

(2) Permit the ombudsman or the ombudsman's designee physical access to state institutions serving children, and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;

(3) Upon the ombudsman's request, grant the ombudsman or the ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and

(4) Grant the office of the family and children's ombudsman unrestricted on-line access to the case and management information system (CAMIS) or any successor information system for the purpose of carrying out its duties under this chapter.

Sec. 4. RCW 26.44.030 and 2007 c 387 s 3 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or

cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+4))~~ (15) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+5))~~ (16) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+6))~~ (17) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of

this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 5. RCW 26.44.030 and 2007 c 387 s 3 and 2007 c 220 s 2 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising,

significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical

opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

~~((14))~~ (15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((15))~~ (16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((16))~~ (17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

NEW SECTION. Sec. 6. A new section is added to chapter 43.06A RCW to read as follows:

The ombudsman shall analyze a random sampling of referrals made by mandated reporters during 2006 and 2007 and report to the appropriate committees of the legislature on the following: The number and types of referrals from mandated reporters; the disposition of the referrals by category of mandated reporters; how many referrals resulted in the filing of dependency actions; any patterns established by the department in how it dealt with such referrals; whether the history of fatalities in 2006 and 2007 showed referrals by mandated reporters; and any other information the ombudsman deems relevant. The ombudsman may contract for all or a portion of the tasks essential to completing the analysis and report required under this section. The report is due no later than June 30, 2009.

NEW SECTION. Sec. 7. Section 4 of this act expires October 1, 2008.

NEW SECTION. Sec. 8. Section 5 of this act takes effect October 1, 2008.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2008

ESSB 6295 Prime Sponsor, Senate Committee on Ways & Means: Creating workplace-based electronically distributed learning opportunities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there are many working adults in Washington that need additional postsecondary educational opportunities to further develop their employability. The legislature further finds that many of these people postpone or call off their personal educational plans because they are busy working and raising their families. Because the largest portion of our workforce over the next thirty years is already employed but in need of skill development, and because many low-wage, low-skilled, and mid-skilled individuals cannot take advantage of postsecondary educational opportunities as they currently exist, the legislature intends to identify and test additional postsecondary educational opportunities tailored to make postsecondary education accessible to working adults through the use of campuses extended to include workplace-based educational offerings.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose and in partnership with the state board for community and technical colleges, the board shall convene a work group that includes representatives from the prosperity partnership, the technology alliance, the higher education coordinating board, a private career or vocational school, a four-year public institution of higher education, the council of faculty representatives, the united faculty of Washington state, community and technical college faculty, and a community and technical college student, to take the following actions related to electronically distributed learning:

(a) Identify and evaluate current national private employer workplace-based educational programs with electronically distributed learning components provided by public colleges and universities. The evaluation shall include:

(i) A review of the literature and interviews of practitioners about promising practices and results;

(ii) An initial determination of feasibility based on targeted populations served, subject matter, and level of education;

(iii) An overview of technological considerations and adult learning strategies for distribution of learning to employer sites; and

(iv) An overview of cost factors, including shared costs or coinvestments by public and private partners;

(b) Review and, to the extent necessary, establish standards and best practices regarding electronically distributed learning and related support services including online help desk support, advising, mentoring, counseling, and tutoring;

(c) Recommend methods to increase student access to electronically distributed learning programs of study and identify barriers to programs of study participation and completion;

(d) Determine methods to increase the institutional supply and quality of open course materials, with a focus on the OpenCourseWare initiative at the Massachusetts Institute of Technology;

(e) Recommend methods to increase the availability and use of digital open textbooks; and

(f) Review and report demographic information on electronically distributed learning programs of study enrollments, retention, and completions.

(2) The board shall work in cooperation with the state board for community and technical colleges to report the preliminary results of the studies to the appropriate committees of the legislature by December 1, 2008, and a final report by December 1, 2009.

NEW SECTION. Sec. 3. A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose, the board shall use a matching fund strategy to select and evaluate up to eight pilot projects operated by Washington institutions of higher education. By September 2008, the board shall select up to eight institutions of higher education as defined in RCW 28B.92.030 including at least four community or technical colleges to develop and offer a pilot project providing employer workplace-based educational programs with distance learning components. The board shall convene a task force that includes representatives from the state board for community and technical colleges and the higher education coordinating board to select the participant institutions. At a minimum, the criteria for selecting the educational institutions shall address:

(a) The ability to demonstrate a capacity to make a commitment of resources to build and sustain a high quality program;

(b) The ability to readily engage faculty appropriately qualified to develop and deliver a high quality curriculum;

(c) The ability to demonstrate demand for the proposed program from a sufficient number of interested employees within its service area to make the program cost-effective and feasible to operate; and

(d) The identification of employers that demonstrate a commitment to host an on-site program. Employers shall demonstrate their commitment to provide:

(i) Access to educational coursework and educational advice and support for entry-level and semiskilled workers, including paid and unpaid release time, and adequate classroom space that is equipped appropriately for the selected technological distance learning methodologies to be used;

(ii) On-site promotion and encouragement of worker participation, including employee orientations, peer support and mentoring, educational tutoring, and career planning;

(iii) Allowance of a reasonable level of worker choice in the type and level of coursework available;

(iv) Commitment to work with college partner to ensure the relevance of coursework to the skill demands and potential career pathways of the employer host site and other participating employers;

(v) Willingness to participate in an evaluation of the pilot to analyze the net benefit to the employer host site, other employer partners, the worker-students, and the colleges; and

(vi) In firms with union representation, the mandatory establishment of a labor-management committee to oversee design and participation.

(2) Institutions of higher education may submit an application to become a pilot college under this section. An institution of higher education selected as a pilot college shall develop the curriculum for and design and deliver courses. However, the programs developed under this section are subject to approval by the state board for technical and community colleges under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230.

(3) The board shall evaluate the pilot project and report the outcomes to students and employers by December 1, 2012.

NEW SECTION. Sec. 4. A new section is added to chapter 28C.18 RCW to read as follows:

The board may receive and expend federal funds and private gifts or grants, which funds must be expended in accordance with any conditions upon which the funds are contingent.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act expire December 31, 2012.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2008

ESSB 6308 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Preparing for and adapting to climate change. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) While significant efforts to reduce the rate of climate change are underway in the state and

throughout the nation, significant adverse impacts are likely inevitable over the course of the twenty-first century. Therefore it is in the public interest for Washington state to be actively working to both mitigate the effects of climate change as well as to prepare for the impacts that cannot be avoided. While the legislature in chapter 307, Laws of 2007, has adopted goals for reducing emissions of climate change gases, and work is underway to establish a comprehensive program to achieve these goals, there is not yet a comprehensive program to coordinate the research and information being compiled on localized impacts of climate change, and to assist local and state entities and the public generally in preparing for and adapting to such impacts.

(2) It is the purpose of this chapter to authorize a study that will recommend the elements of such a comprehensive program of climate change research, preparation, and adaptation.

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

(1) "Department" means the department of ecology.

(2) "Institute" means the joint institute for the study of the atmosphere and ocean, within the University of Washington.

(3) "Work groups" means preparation and adaptation working groups created under executive order 07-02 and other participants who may be added under section 4 of this act. All members of work groups must live in the state of Washington.

NEW SECTION. Sec. 3. (1) Not later than November 1, 2008, the department shall prepare a report and deliver it to the governor and the climate-related policy and fiscal committees of the senate and house of representatives. The report must contain the department's recommendations for the creation of a comprehensive climate change research, preparation, and adaptation program.

(2) The department shall develop the report required in subsection (1) of this section using the work groups efforts on public health, agriculture, the coast line, forestry, and infrastructure as a foundation, and include recommendations for specific steps to prepare for impacts to water resources and management, flood response, protection of ecosystems, and biodiversity, including the protection of threatened or endangered species and species of economic importance to the state.

(3) The report must include recommendations for at least the following:

(a) Criteria to establish state-funded research priorities;

(b) Methods to ensure data and information systems will be most effective for and accessible to relevant planning jurisdictions and the public generally;

(c) Delivering technical and financial assistance to and integrating data and analyses into state and local programs and planning;

(d) Funding that may be needed by local, regional, state, and other planning jurisdictions to incorporate climate change into their planning processes, including requirements for such integration when receiving state funding;

(e) The range of time horizons and geographic scales to be addressed in climate impact research and analysis;

(f) Phasing in implementation of the program in the 2009-2011 biennium, including funding and legislation necessary to implement each component of this initial phase; and

(g) Any specific projects or pilot projects that the work groups and the institute have identified to ensure the state is adequately prepared for the impacts of climate change and the necessary funding for those projects or pilot projects.

(4) In developing the report required under subsection (1) of this section, the department shall, in consultation with the institute, use the comprehensive state climate change assessment prepared under section 404, chapter 348, Laws of 2007, and the reports prepared by the work groups. The department shall make both reports and the report required under subsection (1) of this section available to the public and ensure they are available on the department's web site or otherwise widely disseminated.

NEW SECTION. Sec. 4. In preparing the report required under section 3 of this act, the department shall consider if other private, public, or tribal interests who may be impacted by the recommendations of the report or by the specific impacts of climate change being considered by the work groups are represented and shall invite those interests to participate. The department shall include in its report a list of interests represented in the work groups and which interests were invited but did not participate. In order to allow for broad participation by all areas of the state, the department shall hold as many meetings as possible by teleconference, video conference, or other means that do not require travel. In the event that meetings are held so that interested parties may attend in person, the meetings shall alternate between eastern and western Washington.

NEW SECTION. Sec. 5. (1) The office of Washington state climatologist is created within the University of Washington.

(2) The office of Washington state climatologist consists of the director of the office, who is the state climatologist, and appropriate staff and administrative support as necessary to carry out the powers and duties of the office as enumerated in this section.

(3) The director of the office must be appointed by the president of the University of Washington.

(4) The office of Washington state climatologist has the following powers and duties:

(a) To serve as a credible and expert source of climate and weather information for state and local decision makers and agencies working on drought, flooding, climate change, and other related issues;

(b) To gather and disseminate, and where practicable archive, in the most cost-effective manner possible, all climate and weather information that is or could be of value to policy and decision makers in the state;

(c) To act as the representative of the state in all climatological and meteorological matters, both within and outside of the state, when requested by the legislative or executive branches of the state government;

(d) To prepare, publish, and disseminate climate summaries for those individuals, agencies, and organizations whose activities are related to the welfare of the state and are affected by climate and weather;

(e) To supply critical information for drought preparedness and extreme weather conditions and emergency response as needed to implement the state's drought contingency response plan maintained by the department under RCW 43.83B.410, and to serve as a member of the state's drought water supply and emergency response committees as may be formed in response to an extreme weather event or a drought event;

(f) To conduct and report on studies of climate and weather phenomena of significant socioeconomic importance to the state; and

(g) To evaluate the significance of natural and man-made changes in important features of the climate affecting the state, and to report this information to those agencies and organizations in the state who are likely to be affected by these changes. Natural changes

include, but are not limited to, estimated annual amounts of greenhouse gases emitted during in-state volcanic and forest fire events.

NEW SECTION. Sec. 6. (1) Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW.

(2) If chapter --- (Engrossed Second Substitute House Bill No. 2815), Laws of 2008 becomes law and is codified as a new chapter in Title 70 RCW, sections 1 through 5 of this act shall be codified in the same new chapter in Title 70 RCW.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Sullivan.

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

Passed to Committee on Rules for second reading.

March 1, 2008

SSB 6316 Prime Sponsor, Senate Committee on Ways & Means: Providing that the gambling revolving fund retain its investment earnings. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee, Vice Chair; Anderson and Hunter.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6328 Prime Sponsor, Senate Committee on Higher Education: Enhancing campus security. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.569 and 1990 c 288 s 7 are each amended to read as follows:

(1) Each institution of higher education with a commissioned police force shall report to the Washington association of sheriffs and police chiefs or its successor agency, on a monthly basis, crime statistics for the Washington state uniform crime report, in the format required by the Washington association of sheriffs and police chiefs, or its successor agency. Institutions of higher education which do not have commissioned police forces shall report crime statistics through appropriate local law enforcement agencies.

(2) Each institution of higher education shall publish and distribute a report which shall be updated annually and which shall include the crime statistics as reported under subsection (1) of this section for the most recent three-year period. Upon request, the institution shall provide the report to every person who submits an application for admission to either a main or branch campus, and to each new employee at the time of employment. In its acknowledgment of receipt of the formal application for admission, the institution shall notify the applicant of the availability of such information. The information also shall be provided on an annual basis to all students and employees. Institutions with more than one campus shall provide the required information on a campus-by-campus basis.

(3)(a) Within existing resources, each institution of higher education shall ((provide to every new student and new employee)) make available to all students, faculty, and staff, and upon request to other interested persons, ((information which follows the general categories for safety policies and procedures outlined in this section. Such categories shall, at a minimum, include)) an emergency management and response plan that includes, at a minimum, the following:

- (i) Data regarding:
 - (A) Campus enrollments((:));
 - (B) Campus nonstudent workforce profile((:)); and
 - (C) The number ((and duties)) of campus security personnel((:));
- (ii) Policies, procedures, and programs related to:
 - (A) Preventing and responding to violence and other campus emergencies;
 - (B) Setting the weapons policy on campus;
 - (C) Controlled substances as defined in RCW 64.44.010; and
 - (D) Governing student privacy;
- (iii) Information about:
 - (A) Sexual assault, domestic violence, and stalking, including contact information for campus and community victim advocates, information on where to view or receive campus policies on complaints, and the name and contact information of the individual or office to whom students and employees may direct complaints of sexual assault, stalking, or domestic violence; and
 - (B) Sexual harassment, including contact information for campus and community victim advocates, information on where to view or receive campus policies on complaints, and the name and

contact information of the individual or office to whom students and employees may direct complaints of sexual harassment;

(iv) Descriptions of:

(A) Mutual assistance arrangements with state and local police(;~~sexual assault and domestic violence and policies on controlled substances~~);

(B) Methods and options that persons with disabilities or special needs have to access services and programs;

(C) Escort and transportation services that provide for individual security;

(D) Mental health and counseling services available to students, faculty, and staff;

(E) Procedures for communicating with students, faculty, staff, the public, and the media, during and following natural and nonnatural emergencies.

~~((Information))~~ (b) The emergency management and response plan shall include, for the most recent academic year ((also shall include):

(i) A description of ((any)) programs and services offered by ((an institution's student affairs or services department, and by student government organizations regarding)) the institution and student-sponsored organizations that provide for crime prevention and counseling((~~including a directory~~)). The description must include a listing of the available services ((and appropriate telephone numbers and physical locations of these services. In addition)), the service locations, and how the services may be contacted; and

(ii) For institutions maintaining student housing facilities((~~shall include~~)), information detailing security policies and programs for those facilities.

(c)(i) Institutions with a main campus and one or more branch campuses shall provide the information on a campus-by-campus basis.

~~((In the case of))~~ (ii) Community and technical colleges(;~~colleges~~) shall provide such information ((~~to~~) for the main campuses only, and shall provide reasonable alternative information ((at)) for any off-campus centers and ((other)) affiliated college sites enrolling ((less)) fewer than one hundred students.

(4)(a) Each institution shall enter into memoranda of understanding that set forth responsibilities for the various local jurisdictions in the event of a campus emergency.

(b) Each institution shall enter into mutual aid agreements with local jurisdictions regarding the shared use of equipment and technology in the event of a campus emergency.

(c) Memoranda of understanding and mutual aid agreements shall be updated and included in emergency management and response plans.

(5)(a) Each institution shall establish a task force ((~~which shall annually~~)) that examines campus security and safety issues at least annually. ((The task force shall review the report published and distributed pursuant to this section in order to ensure the accuracy and effectiveness of the report, and make any suggestions for improvement. This)) Each task force shall include representation from the institution's administration, faculty, staff, recognized student organizations, and police or security organization.

(b) Each task force shall review the emergency management and response plan published and distributed under this section for its respective institution, in order to ensure its accuracy and effectiveness and to make any suggestions for improvement.

(6) The president of each institution shall designate a specific individual responsible for monitoring and coordinating the institution's compliance with this section and shall ensure that contact

information for this individual is made available to all students, faculty, and staff.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education shall take the following actions:

(a) By October 30, 2008, submit a self-study assessing its ability to facilitate the safety of students, faculty, staff, administration, and visitors on each campus, including an evaluation of the effectiveness of these measures, an assessment of the institution's ability to disseminate information in a timely and efficient manner to students, faculty, and staff, an evaluation of the institution's ability to provide an appropriate level of mental health services, and an action plan and timelines describing plans to maximize program effectiveness for the next two biennia. Four-year institutions shall submit their studies to the higher education coordinating board. Community and technical colleges shall submit their studies to the state board for community and technical colleges.

(b) By October 30th of each even-numbered year, beginning in 2010, each institution shall submit an update to its plan, including an assessment of the results of activities undertaken under any previous plan to address unmet safety issues, and additional activities, or modifications of current activities, to be undertaken to address remaining safety issues at the institution.

(2) The higher education coordinating board and the state board for community and technical colleges shall report biennially, beginning December 31, 2010, to the governor and the higher education committees of the house of representatives and the senate on:

(a) The efforts of each institution and the extent to which it has complied with RCW 28B.10.569 and subsection (1)(b) of this section; and

(b) Recommendations on measures to assist institutions to ensure and enhance campus safety.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 1, 2008

2SSB 6377 Prime Sponsor, Senate Committee on Ways & Means: Regarding secondary career and technical education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that many secondary career and technical education programs have made progress in retooling for the twenty-first century by aligning with state and nationally certified programs that meet industry standards and by increasing the rigor of academic content in core skills such as reading, writing, mathematics, and science.

(2) However, the legislature also finds that increased expectations for students to meet the state's academic learning standards require students to take remedial courses. The state board of education is considering increasing credit requirements for high school graduation. Together these policies could restrict students from pursuing high quality career and technical education programs because students would not have adequate time in their schedules to enroll in a progressive sequence of career and technical courses.

(3) The legislature further finds that teachers, counselors, students, and parents are not well-informed about the opportunities presented by high quality career and technical education. Secondary career and technical education is not a stopping point but a beginning point for further education, including through a bachelor's degree. Secondary preapprenticeships and courses aligned to industry standards can lead directly to workforce entry as well as to additional education. Career and technical education is a proven strategy to engage and motivate students, including students at risk of dropping out of school entirely.

(4) Finally, the legislature finds that state policies have been piecemeal in support of career and technical education. Laws exist to require state approval of career and technical programs, but could be strengthened by requiring alignment with industry standards and focusing on high-demand fields. Tech prep consortia have developed articulation agreements for dual credit and smooth transitions between high schools and colleges, but agreements remain highly decentralized between individual faculty and individual schools. Laws require school districts to create equivalences between academic and career and technical courses, but more support and professional development is needed to expand these opportunities.

(5) Therefore it is the legislature's intent to identify the gaps in current laws and policies regarding secondary career and technical education and fill those gaps in a comprehensive fashion to create a coherent whole. This act seeks to increase the quality and rigor of secondary career and technical education, improve links to postsecondary education, encourage and facilitate academic instruction through career and technical courses, and expand access to and awareness of the opportunities offered by high quality career and technical education.

**PART I
QUALITY, RIGOR, AND LINKS TO
POSTSECONDARY EDUCATION**

Sec. 101. RCW 28C.04.100 and 2001 c 336 s 2 are each amended to read as follows:

(1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall periodically review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of

public instruction. ~~((These standards should:))~~ The office of the superintendent of public instruction shall develop a schedule for career and technical education plan reapproval under this section that includes an abbreviated review process for programs reapproved after 2005, but before the effective date of this section. All school district career and technical education programs must meet the requirements of this section by August 31, 2010.

(2) To receive approval, school district plans must:

(a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education; ~~((and))~~

(b) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and district ~~((vocational))~~ career and technical program planning requirements that include:

(i) An assessment of equipment and technology needs to support the skills training of technical students;

(ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;

(iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community; ~~((and))~~

(iv) A description of the leadership activities to be provided for technical education students; and

(v) Annual local school board approval;

(c) Demonstrate that all preparatory career and technical education courses offered by the district meet the requirements of RCW 28C.04.110 (as recodified by this act);

(d) Demonstrate progress toward meeting or exceeding the targets established under section 104 of this act of an increased number of career and technical programs in high-demand fields; and

(e) Demonstrate that approved career and technical programs maximize opportunities for students to earn dual credit for high school and college.

~~((2))~~ (3) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.

~~((3))~~ (4) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington ~~((SkillsUSA-VICA))~~ SkillsUSA, Washington family, career and community leaders, and Washington technology students association, and any additional career or technical student organizations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.

~~((4))~~ (5) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment preparation, and advanced and continuing education.

NEW SECTION. Sec. 102. (1) The office of the superintendent of public instruction, in consultation with the workforce training and education coordinating board, the Washington state apprenticeship and training council, and the state board for community and technical colleges, shall develop a list of statewide high-demand programs for secondary career and technical education. The list shall be developed using the high-demand list maintained by workforce development councils in consultation with the employment security department, the high employer demand programs of study identified by the workforce training and education coordinating board, and the high employer demand programs of study identified by the higher education coordinating board. Local school districts may recommend additional high-demand programs in consultation with local career and technical education advisory committees by submitting evidence of local high demand.

(2) As used in this section and in sections 104, 105, 107, and 307 of this act:

(a) "High-demand program" means a career and technical education program that prepares students for either a high employer demand program of study or a high-demand occupation, or both.

(b) "High employer demand program of study" means an apprenticeship or an undergraduate or graduate certificate or degree program in which the number of students per year prepared for employment from in-state programs is substantially fewer than the number of projected job openings per year in that field, either statewide or in a substate region.

(c) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.

Sec. 103. RCW 28C.04.110 and 2006 c 115 s 2 are each amended to read as follows:

~~((The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under RCW 28A.655.065. Programs on the list))~~ All approved preparatory secondary career and technical education programs must meet the following minimum criteria:

(1) Either:

(a) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field; or

(b) Allow students to earn dual credit for high school and college through tech prep, advanced placement, or other agreements or programs;

(2) ~~((Require))~~ Be comprised of a sequenced progression of multiple courses~~((, both exploratory and preparatory,))~~ that are~~((vocationally))~~ technically intensive and rigorous; and

(3) ~~((Have a high potential for providing the program completer with gainful employment or))~~ Lead to workforce entry~~((into a)), state or nationally approved apprenticeships, or postsecondary~~~~((workforce training program))~~ education in a related field.

NEW SECTION. Sec. 104. (1) The office of the superintendent of public instruction shall establish performance measures and targets and monitor the performance of career and technical education programs in at least the following areas:

(a) Student participation in and completion of high-demand programs as identified under section 102 of this act;

(b) Students earning dual credit for high school and college; and

(c) Performance measures and targets established by the workforce training and education coordinating board, including but not limited to student academic and technical skill attainment,

graduation rates, postgraduation employment or enrollment in postsecondary education, and other measures and targets as required by the federal Carl Perkins act, as amended.

(2) If a school district fails to meet the performance targets established under this section, the office of the superintendent of public instruction may require the district to submit an improvement plan. If a district fails to implement an improvement plan or continues to fail to meet the performance targets for three consecutive years, the office of the superintendent of public instruction may use this failure as the basis to deny the approval or reapproval of one or more of the district's career and technical education programs.

NEW SECTION. Sec. 105. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to middle schools, high schools, or skill centers, to develop or upgrade high-demand career and technical education programs as identified under section 102 of this act. Grant funds shall be allocated on a one-time basis and may be used to purchase or improve curriculum, create preapprenticeship programs, upgrade technology and equipment to meet industry standards, and for other purposes intended to initiate a new program or improve the rigor and quality of a high-demand program. Priority in allocating the funds shall be given to programs that are also considered high cost due to the types of technology and equipment necessary to maintain industry certification. Priority shall also be given to programs considered in most high demand in the state or applicable region.

Sec. 106. 2007 c 399 s 3 (uncodified) is amended to read as follows:

(1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living elements; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; ~~((and))~~

(g) Health and safety requirements; and

(h) Staffing ratios and other components needed to support career and technical education programs.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

NEW SECTION. Sec. 107. (1) The office of the superintendent of public instruction, the workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, and the council of presidents shall work with local school districts, workforce education programs in colleges, tech prep consortia, and four-year institutions of higher education to develop model career and technical education programs of study as described by this section.

(2) Career and technical education programs of study:

(a) Incorporate secondary and postsecondary education elements;

(b) Include coherent and rigorous academic content aligned with state learning standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that are aligned with postsecondary education in a related field;

(c) Include opportunities for students to earn dual high school and college credit; and

(d) Lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

(3) During the 2008-09 school year, model career and technical education programs of study shall be developed for the following high-demand programs: Construction, health care, and information technology. Each school year thereafter, the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the workforce training and education coordinating board shall select additional programs of study to develop, with a priority on high-demand programs as identified under section 102 of this act.

NEW SECTION. Sec. 108. A new section is added to chapter 28B.50 RCW to read as follows:

(1) It is the legislature's intent to recognize and support the work of community and technical colleges, high schools, and skill centers in creating articulation and dual credit agreements for career and technical education students, in part by codifying current practice.

(2) Community and technical colleges shall create agreements with high schools and skill centers to offer dual high school and college credit for secondary career and technical courses. Agreements shall be subject to approval by the chief instructional officer of the college and the principal and the career and technical education director of the high school or the executive director of the skill center.

(3) Community and technical colleges may create dual credit agreements with high schools and skill centers that are located outside the college district boundary or service area.

(4) If a community or technical college has created an agreement with a high school or skill center to offer college credit for a secondary career and technical course, all community and technical colleges shall accept the course for an equal amount of college credit.

PART II ACADEMIC INSTRUCTION THROUGH CAREER AND TECHNICAL EDUCATION

NEW SECTION. Sec. 201. (1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers using a research-based professional development model supported by the national research center for career and technical education. The office of the superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources.

Sec. 202. RCW 28A.230.097 and 2006 c 114 s 2 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students ~~((at the))~~ in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be either part of the student's high school and beyond plan or the student's culminating project, as determined by the student. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.245 RCW to read as follows:

Skill centers may enter into agreements with one or more cooperating school districts to grant a high school diploma on behalf of the district so that students who are juniors and seniors have an opportunity to attend the skill center on a full-time basis without coenrollment at a district high school. To avoid competition with other high schools in the cooperating district, high school completion programs operated by skill centers shall be designed as dropout prevention and retrieval programs for at-risk and credit-deficient students or for fifth-year seniors. A skill center may use grant awards from the building bridges program under RCW 28A.175.025 to develop high school completion programs as provided in this section.

NEW SECTION. Sec. 204. (1) Subject to funds appropriated for this purpose, the secondary integrated basic education and skills training (I-BEST) pilot project is created to integrate career and technical instruction, core academic and basic skills, and English as a second language, for secondary school students. The objective of

the pilot project is to determine whether and how a successful community and technical college instructional model can be adapted and implemented at a secondary school level.

(2) The goal of secondary I-BEST is to enable and motivate secondary students who are struggling with language and academic skills to earn a high school diploma and be prepared for workforce entry or further education and training in a career and technical field. Under the pilot project, academic, career and technical, and English-as-a second-language teachers shall provide instruction through team and coteaching. Course content shall be integrated across the three domains of career and technical, academic, and language.

(3) The office of the superintendent of public instruction shall allocate pilot project grants to high schools or skill centers on a competitive basis. Grants are for a three-year period. The office of the superintendent of public instruction shall work with the state board for community and technical colleges, grant recipients, and the Washington State University social and economic sciences research center to design and implement an evaluation of the pilot project that includes comparisons of gains in achievement for students in the project compared to other similar students. A report on the pilot project and results of the evaluation shall be submitted to the governor and the education and fiscal committees of the legislature by December 1, 2011.

(4) The state board for community and technical colleges shall provide technical assistance and advice to the office of the superintendent of public instruction and the pilot project regarding best practices for I-BEST, including program design, professional development, assessment, and evaluation. The state board shall also designate one or more community or technical colleges with exemplary postsecondary I-BEST programs to serve as mentors for the pilot project.

(5) This section expires June 30, 2012.

Sec. 205. RCW 28A.655.065 and 2007 c 354 s 6 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant (~~as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section~~).

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators,

the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28C.04.110 (as recodified by this act), the superintendent of public instruction shall develop additional guidelines for ~~((a))~~ collections of work samples that ~~((evidences that the collection:~~

~~— (i) Is relevant to the student's particular career and technical program;~~

~~— (ii) Focuses on the application of academic knowledge and skills within the program;~~

~~— (iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and~~

~~— (iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess;~~

~~— (b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program)) are tailored to different career and technical programs. The additional guidelines shall:~~

~~— (i) Provide multiple examples of work samples that are related to the particular career and technical program;~~

~~— (ii) Permit work samples based on completed activities or projects where demonstration of academic knowledge is inferred; and~~

~~— (iii) Provide multiple examples of work samples drawn from career and technical courses.~~

~~— (b) The purpose of the additional guidelines is to provide a clear pathway toward a certificate of academic achievement for career and technical students by showing them applied and relevant opportunities to demonstrate their knowledge and skills, and to provide guidance to teachers in integrating academic and career and technical instruction and assessment and assisting career and technical students in compiling a collection. The superintendent of public instruction shall develop and disseminate additional guidelines~~

for no fewer than ten career and technical education programs representing a variety of program offerings by no later than September 1, 2008. Guidelines for ten additional programs shall be developed and disseminated no later than June 1, 2009.

(c) The superintendent shall consult with community and technical colleges, employers, the workforce training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create ~~((am))~~ appropriate ~~((collection))~~ guidelines and examples of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction shall adopt rules to implement this section.

PART III EXPANDING ACCESS AND AWARENESS

NEW SECTION. Sec. 301. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall develop and conduct an ongoing campaign for career and technical education to increase awareness among teachers, counselors, students, parents, principals, school administrators, and the general public about the opportunities offered by rigorous career and technical education programs. Messages in the campaign shall emphasize career and technical education as a high quality educational pathway for students, including for students who seek advanced education that includes a bachelor's degree or beyond. In particular, the office shall provide information about the following:

(a) The model career and technical education programs of study developed under section 107 of this act;

(b) Career and technical education course equivalencies and dual credit for high school and college;

(c) The career and technical education alternative assessment guidelines under RCW 28A.655.065;

(d) The availability of scholarships for postsecondary workforce education, including the Washington award for vocational excellence, and apprenticeships through the opportunity grant program under

RCW 28B.50.271, grants under section 302 of this act, and other programs; and

(e) Education, apprenticeship, and career opportunities in emerging and high-demand programs.

(2) The office shall use multiple strategies in the campaign depending on available funds, including developing an interactive web site to encourage and facilitate career exploration; conducting training and orientation for guidance counselors and teachers; and developing and disseminating printed materials.

(3) The office shall seek advice, participation, and financial assistance from the workforce training and education coordinating board, higher education institutions, foundations, employers, apprenticeship and training councils, workforce development councils, and business and labor organizations for the campaign.

NEW SECTION. Sec. 302. (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide grants to eligible students to offset the costs of required examination or testing fees associated with obtaining state or industry certification in the student's career and technical education program.

(2) The office shall establish maximum grant amounts and a process for students to apply for the grants.

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

(a) A student enrolled in a secondary career and technical education program where state or industry certification can be obtained without additional postsecondary work or study; or

(b) A student who completed a secondary career and technical education program in a Washington public school and is seeking state or industry certification in a program requiring additional postsecondary work or study or where there are age limitations on certification.

(4) Eligible students must have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human services.

Sec. 303. RCW 28A.600.045 and 2006 c 117 s 2 are each amended to read as follows:

(1) The legislature encourages each middle school, junior high school, and high school to implement a comprehensive guidance and planning program for all students. The purpose of the program is to support students as they navigate their education and plan their future; encourage an ongoing and personal relationship between each student and an adult in the school; and involve parents in students' educational decisions and plans.

(2) A comprehensive guidance and planning program is a program that contains at least the following components:

(a) A curriculum intended to provide the skills and knowledge students need to select courses, explore options, plan for their future, and take steps to implement their plans. The curriculum may include such topics as analysis of students' test results; diagnostic assessments of students' academic strengths and weaknesses; use of assessment results in developing students' short-term and long-term plans; assessments of student interests and aptitude; goal-setting skills; planning for high school course selection; independent living skills; exploration of options and opportunities for career and technical education at the secondary and postsecondary level; exploration of career opportunities in emerging and high-demand programs including apprenticeships; and postsecondary options and how to access them;

(b) Regular meetings between each student and a teacher who serves as an advisor throughout the student's enrollment at the school;

(c) Student-led conferences with the student's parents, guardians, or family members and the student's advisor for the purpose of demonstrating the student's accomplishments; identifying weaknesses; planning and selecting courses; and setting long-term goals; and

(d) Data collection that allows schools to monitor students' progress.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide support for comprehensive guidance and planning programs in public schools, including providing ongoing development and improvement of the curriculum described in subsection (2) of this section.

NEW SECTION. Sec. 304. A new section is added to chapter 28A.245 RCW to read as follows:

(1) Subject to the provisions of this section and section 305 of this act, a skill center may enter into an agreement with the community or technical college in which district the skill center is located to provide career and technical education courses necessary to complete an industry certificate or credential for students who have received a high school diploma.

(2) To qualify for enrollment under this section, a student must have been enrolled in the skill center before receiving the high school diploma and must remain continuously enrolled in the skill center. A student may enroll only in those courses necessary to complete the industry certificate or credential associated with the student's career and technical program.

(3) Students enrolled in a skill center under this section shall be considered community and technical college students for purposes of enrollment reporting, tuition, and financial aid. The skill center shall maintain enrollment data for students enrolled under this section separately from data on secondary school enrollment.

NEW SECTION. Sec. 305. A new section is added to chapter 28B.50 RCW to read as follows:

(1) A community or technical college may enter into an agreement with a skill center within the college district to allow students who have completed a high school diploma to remain enrolled in the skill center in courses necessary to complete an industry certificate or credential in the student's career and technical program as provided by section 304 of this act.

(2) Before entering an agreement, a community or technical college may require the skill center to provide evidence that:

(a) The skill center has adequate facilities and capacity to offer the necessary courses and the community or technical college does not have adequate facilities or capacity; or

(b) The community or technical college does not offer the particular industry certificate program or courses proposed by the skill center.

(3) Under the terms of the agreement, the community or technical college shall report the enrolled student as a state-supported student and may charge the student tuition and fees. The college shall transmit to the skill center an agreed-upon amount per enrolled full-time equivalent student to pay for the student's courses at the skill center.

Sec. 306. RCW 28B.102.040 and 2005 c 518 s 918 are each amended to read as follows:

(1) The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional

educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for students. Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology education, agricultural education, business and marketing education, family and consumer science education, or special education.

~~((For fiscal years 2006 and 2007, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.))~~

NEW SECTION. Sec. 307. (1) Subject to funds appropriated for this purpose, the in-demand scholars program is created. The purpose of the program is to replicate a successful pilot program to attract high school students into high-demand fields, as identified under section 102 of this act, that require one to three years of postsecondary education, including apprenticeships. The program shall be administered by the workforce training and education coordinating board.

(2) The workforce training and education coordinating board, in consultation with representatives from the statewide association of workforce development councils, the Washington state labor council, and a statewide business association, shall:

(a) Develop a model in-demand scholars program to be implemented by local workforce development councils. The model program shall be sufficiently flexible that councils may customize the design to meet the unique needs and available resources in each region. Under the model program, workforce development councils identify local industries in high-demand fields that are having difficulty filling employee positions that require one to three years of postsecondary education or apprenticeship. Representatives of such industries present the employment opportunities available in their industry to local high school students and inform students about possible job shadowing or internship opportunities in the industry. Students who participate in a job shadow or internship under a model program are eligible to receive an in-demand scholarship if the students enroll in a postsecondary education program or apprenticeship in one of the high-demand fields identified in the model program. Local workforce development councils award the scholarships. Scholarships shall not exceed an amount specified in the omnibus appropriations act and shall be used to offset tuition and related education and training expenses for a maximum of two years;

(b) Determine and make the initial allocation for the in-demand scholars program to each workforce development council, based on its projected outcomes and other criteria. Funding may be reallocated among workforce development councils if necessary based on actual results achieved; and

(c) Require that local workforce development councils submit quarterly reports on the in-demand scholars program, including but not limited to the industries participating and the projected and actual number of students served, students completing job shadows or internships, students entering and completing postsecondary education, students entering the targeted career, and students continuing on to four-year degrees or other additional education.

NEW SECTION. Sec. 308. (1) The office of the superintendent of public instruction shall conduct a feasibility study to create technical high schools in Washington state. In conducting the study, the office shall convene an advisory committee including, but not limited to, representatives from school districts, high schools, skill centers, community and technical colleges, workforce development councils, the workforce training and education coordinating board, the Washington association for career and technical education, the Washington state apprenticeship and training council, and the state board for community and technical colleges. Subject to available funds, the office shall contract with a third party to support the study, including examining technical high school models in other states.

(2) The feasibility study shall examine and make recommendations on the following issues:

(a) The definition of a technical high school and how a technical high school might differ from current comprehensive high schools, alternative high schools, or skill centers;

(b) The governance structure for technical high schools, which may be within a single district, a cooperative of multiple districts, or other new governance structures that may be considered;

(c) Funding models and estimated costs to support technical high schools, including both operating and capital funds;

(d) Whether technical high schools should focus on particular student populations or be structured as magnet schools or academies with a particular programmatic focus;

(e) Whether technical high schools should operate with a two-year or four-year program or with part-time or full-time attendance;

(f) The implications of accountability for student achievement with a technical high school, including adequate yearly progress; and

(g) Options, strategies, and estimated costs for possible transition of selected current high schools or skill centers to a technical high school model.

(3) The office of the superintendent of public instruction shall submit an interim progress report to the governor and the education and fiscal committees of the legislature by December 1, 2008, and a final report with recommendations by September 15, 2009.

PART IV MISCELLANEOUS

Sec. 401. RCW 28A.505.220 and 2005 c 514 s 1103 are each amended to read as follows:

(1) Total distributions from the student achievement fund to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year. The superintendent of public instruction shall ensure that moneys generated by skill center students are returned to skill centers.

(2) The allocation rate per full-time equivalent student shall be three hundred dollars in the 2005-06 school year, three hundred seventy-five dollars in the 2006-07 school year, and four hundred fifty dollars in the 2007-08 school year. For each subsequent school year, the amount allocated per full-time equivalent student shall be adjusted for inflation as defined in RCW 43.135.025(8). These allocations per full-time equivalent student from the student achievement fund shall be supported from the following sources:

(a) Distributions from state property tax proceeds deposited into the student achievement fund under RCW 84.52.068; and

(b) Distributions from the education legacy trust account created in RCW 83.100.230.

(3) Any funds deposited in the student achievement fund under RCW 43.135.045 shall be allocated to school districts on a one-time basis using a rate per full-time equivalent student. These funds are provided in addition to any amounts allocated in subsection (2) of this section.

(4) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

Sec. 402. 2007 c 354 s 12 (uncodified) is amended to read as follows:

(1) The superintendent of public instruction and the workforce training and education coordinating board shall jointly convene and staff an advisory committee to identify career and technical education curricula that will assist in preparing students for the state assessment system and provide the opportunity to obtain a certificate of academic achievement.

(2) The advisory committee shall consist of the following nine members:

(a) Four members of the legislature, with two members each appointed by the respective caucuses of the house of representatives and the senate;

(b) One representative from the career and technical education section of the office of the superintendent of public instruction;

(c) One member appointed by the workforce training and education coordinating board; and

(d) Three members appointed by the superintendent of public instruction and the workforce training and education coordinating board based on recommendations from the career and technical education community.

(3) The advisory committee shall appoint a chair from among the nonlegislative members.

(4) Legislative members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) By January 15, 2008, the advisory committee shall provide an initial report to the governor and the legislature and, if necessary, a work plan with additional reporting deadlines (~~which shall not extend beyond December 15, 2008~~). By December 2009, the advisory committee shall report to the governor and appropriate committees of the legislature with an evaluation of the status of the recommendations made in the initial report and any additional recommendations the advisory committee finds necessary to accomplish the goals of the initial report.

NEW SECTION. Sec. 403. RCW 28C.04.100 and 28C.04.110 are each recodified as sections in the new chapter created in section 408 of this act.

NEW SECTION. Sec. 404. RCW 28C.22.020 is recodified as a section in chapter 28A.245 RCW.

NEW SECTION. Sec. 405. The following acts or parts of acts are each repealed:

(1) RCW 28C.22.005 (Findings) and 1993 c 380 s 1; and

(2) RCW 28C.22.010 (Skill center program operation) and 1993 c 380 s 2.

NEW SECTION. Sec. 406. This chapter may be known and cited as the career and technical education act.

NEW SECTION. Sec. 407. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 408. Sections 102, 104, 105, 107, 201, 204, 301, 302, 307, and 406 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 409. Section 401 of this act takes effect September 1, 2008.

NEW SECTION. Sec. 410. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2008

SB 6421 Prime Sponsor, Senator Pridemore: Providing medical coverage for smoking cessation programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

The department shall provide coverage under this chapter for smoking cessation counseling services, as well as prescription and nonprescription agents when used to promote smoking cessation, so long as such agents otherwise meet the definition of "covered outpatient drug" in 42 U.S.C. Sec. 1396r-8(k). However, the department may initiate an individualized inquiry and determine and implement by rule appropriate coverage limitations as may be required to encourage the use of effective, evidence-based services and prescription and nonprescription agents. The department shall track per-capita expenditures for a cohort of clients that receive smoking cessation benefits, and submit a cost-benefit analysis to the legislature on or before January 1, 2012.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Hinkle; Kretz; McDonald; Priest; Ross; Schmick and Walsh.

Passed to Committee on Rules for second reading.

February 28, 2008

2SSB 6483 Prime Sponsor, Senate Committee on Ways & Means: Enacting the local farms-healthy kids act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 1, 2008

SSB 6498 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Modifying provisions concerning real estate licensure law. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 1, 2008

E2SSB 6502 Prime Sponsor, Senate Committee on Ways & Means: Reducing the release of mercury into the environment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.95M.010 and 2003 c 260 s 2 are each amended to read as follows:

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

(1) (~~"Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems~~) "Bulk mercury" includes any elemental, nonamalgamated mercury, regardless of volume quantity or weight.

(2) "Department" means the department of ecology.

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

(4) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or mercury-added product is produced in a foreign country, the manufacturer is the first importer or domestic distributor.

(6) "Mercury-added button-cell battery" means a button-cell battery to which the manufacturer intentionally introduces mercury for the operation of the battery.

(7) "Mercury-added general purpose lights" means mercury-added lamps, bulbs, tubes, or other devices that provide functional illumination in homes, offices, and outdoors.

(8) "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel, and other similar products. Mercury-added novelty does not include games, toys, or products that require a button-cell or lithium battery, liquid crystal display screens, or a lamp that contains mercury.

~~((8))~~ (9) "Mercury-added product" means a product, commodity, or chemical, or a product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, or chemical in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. Mercury-added products include those products listed in the interstate mercury education and reduction clearinghouse (IMERC) mercury-added products database, but are not limited to, mercury thermometers, mercury thermostats, mercury barometers, lamps, and mercury switches (~~(in motor vehicles)~~) or relays.

~~((9))~~ (10) "Mercury manometer" means a mercury-added product that is used for measuring blood pressure.

~~((H))~~ (11) "Mercury thermometer" means a mercury-added product that is used for measuring temperature.

~~((H))~~ (12) "Retailer" means a retailer of a mercury-added product.

(13) "Switch" means any device, which may be referred to as a switch, sensor, valve, probe, control, transponder, or any other apparatus, that directly regulates or controls the flow of electricity, gas, or other compounds, such as relays or transponders. The term "switch" includes all components of the unit necessary to perform its flow control function. "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems. "Utility switch" includes, but is not limited to, all devices that open or close an electrical circuit, or a liquid or gas valve. "Utility relay" includes, but is not limited to, all products or devices that open or close electrical contacts to control the operation of other devices in the same or other electrical circuit.

(14) "Wholesaler" means a wholesaler of a mercury-added product.

Sec. 2. RCW 70.95M.020 and 2003 c 260 s 3 are each amended to read as follows:

(1) Effective January 1, 2004, a manufacturer, wholesaler, or retailer may not knowingly sell ~~(at retail)~~ a fluorescent lamp if the fluorescent lamp contains mercury and was manufactured after November 30, 2003, unless the fluorescent lamp is labeled in accordance with the guidelines listed under subsection (2) of this section. Primary responsibility for affixing labels required under this section is on the manufacturer, and not on the wholesaler or retailer.

(2) Except as provided in subsection (3) of this section, a lamp is considered labeled pursuant to subsection (1) of this section if the lamp has all of the following:

(a) A label affixed to the lamp that displays the internationally recognized symbol for the element mercury; and

(b) A label on the lamp's packaging that: (i) Clearly informs the purchaser that mercury is present in the item; (ii) explains that the fluorescent lamp should be disposed of according to applicable federal, state, and local laws; and (iii) provides a toll-free telephone number, and a uniform resource locator internet address to a web site, that contains information on applicable disposal laws.

(3) The manufacturer of a mercury-added lamp is in compliance with the requirements of this section if the manufacturer is in compliance with the labeling requirements of another state.

~~((The provisions of this section do not apply to products containing mercury-added lamps.))~~ (a) Effective July 1, 2010, all state-funded public agency facilities including, but not limited to, learning institutions must recycle their end-of-life mercury-added general purpose lights. An exception process may be established by the department to accommodate small local governments and educational institutions serving populations less than five thousand people.

(b) Effective January 1, 2011, all commercial, industrial, and retail facilities and office buildings must recycle their end-of-life mercury-added general purpose lights.

Sec. 3. RCW 70.95M.050 and 2003 c 260 s 6 are each amended to read as follows:

(1) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

(2)(a) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure or a thermometer that contains mercury. This subsection (2)(a) does not apply to:

(i) An electronic thermometer with a button-cell battery containing mercury;

(ii) A thermometer that contains mercury and that is used for food research and development or food processing, including meat, dairy products, and pet food processing;

(iii) A thermometer that contains mercury and that is a component of an animal agriculture climate control system or industrial measurement system or for veterinary medicine until such a time as the system is replaced or a nonmercury component for the system or application is available;

(iv) A thermometer or manometer that contains mercury that is used for calibration of other thermometers, manometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the national institute of standards and technology;

(v) A thermometer that is provided by prescription. A manufacturer of a mercury thermometer shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur; or

(vi) A manometer or thermometer sold or distributed to a hospital, or a health care facility controlled by a hospital, if the hospital has adopted a plan for mercury reduction consistent with the goals of the mercury chemical action plan developed by the department under section 302, chapter 371, Laws of 2002.

(b) A manufacturer of thermometers that contain mercury must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining thermometer inventory.

(3) Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

(4) No person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

(5) Nothing in this section restricts the ability of a manufacturer, importer, or domestic distributor from transporting products through the state, or storing products in the state for later distribution outside the state.

(6) Effective June 30, 2009, the sale or purchase and delivery of bulk mercury is prohibited, including sales through the internet or sales by private parties. However, the prohibition in this subsection does not apply to immediate dangerous waste recycling facilities or treatment, storage, and disposal facilities as approved by the department and sales to research facilities, or industrial facilities that provide products or services to entities exempted from this chapter. The facilities described in this subsection must submit an inventory of their purchase and use of bulk mercury to the department on an annual basis, as well as any mercury waste generated from such actions.

Sec. 4. RCW 70.95M.080 and 2003 c 260 s 9 are each amended to read as follows:

(1) The department shall, to the extent practicable, make every effort to educate all persons regarding the requirements of this

chapter, in preparation for its full implementation. A violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat violation. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(2) Households are exempt from penalties under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 70.95M RCW to read as follows:

(1) The department shall participate in national and global mercury forums to advocate reduction of global emissions and permanent isolation of elemental mercury.

(2) By July 1, 2009, the department, in consultation with the United States environmental protection agency, shall study the feasibility of the development of a national repository for mercury. The department shall develop recommendations and provide its findings to the appropriate committees of the legislature by December 1, 2009.

NEW SECTION. Sec. 6. (1) The department of ecology, in consultation with the solid waste advisory committee created under RCW 70.95.040, shall conduct research and develop recommendations for the implementation and financing of a convenient and effective mercury-added general purpose light recycling program for residents, small businesses, small government agencies, charities, and schools throughout the state. The department of ecology and the solid waste advisory committee shall consult with stakeholders including persons who represent retailers of mercury-added general purpose lights, waste haulers, mercury-added general purpose light recyclers, mercury-added general purpose light manufacturers, cities, counties, environmental organizations, public interest organizations, and other interested parties that have a role or interest in the recycling of mercury-added general purpose lights.

(2) The department of ecology shall assess ways for a convenient and effective statewide recycling program for mercury-added general purpose lights to be established and financed. Factors to be considered include:

(a) Urban versus rural recycling challenges and issues;

(b) The involvement of mercury-added general purpose light manufacturers;

(c) Different methods of financing the recycling programs for mercury-added general purpose lights;

(d) Methods to encourage the return of mercury-added general purpose lights for recycling;

(e) The impact of the approach on local governments, nonprofit organizations, waste haulers, and other stakeholders;

(f) Information obtained from existing mercury-added general purpose light recycling programs, particularly those programs that exist in counties that prohibit the disposal of mercury-added general purpose lights in solid waste facilities, and information obtained from existing infrastructure for recycling of mercury-added general purpose lights; and

(g) Environmentally sound options for managing the mercury.

(3)(a) The department of ecology shall consider alternatives that utilize the infrastructure and system established in chapter 81.77 RCW when developing collection systems for general purpose mercury-added lights.

(b) Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste in the state of Washington, including

curbside collection or residential recyclable materials, nor does this act change or limit the authority of a city or town to provide such service itself or by contract under RCW 81.77.020.

(4) The department of ecology shall also develop a description of what could be accomplished voluntarily and what would require the adoption of rules or legislation if needed to implement the recommended statewide recycling program for mercury-added general purpose lights.

(5) The department of ecology shall report its findings and recommendations for implementing and financing a recycling program for mercury-added general purpose lights to the appropriate committees of the legislature by December 1, 2008.

(6) This section expires September 1, 2009.

NEW SECTION. Sec. 7. RCW 70.95M.090 (Crematories--Nonapplicability of chapter) and 2003 c 260 s 10 are each repealed.

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, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Sullivan.

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

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6510 Prime Sponsor, Senate Committee on Ways & Means: Providing a funding source to assist small manufacturers in obtaining innovation and modernization extension services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a viable manufacturing industry is critical to providing the state economy with family-wage jobs and improving the quality of life for workers and communities. To perform in the emerging global marketplace, Washington manufacturers must master new technologies, streamline production processes, improve quality assurance, expand environmental compliance, and enhance methods of work organization. Only through innovation and modernization

techniques, reflecting the specific needs and capabilities of the individual firms, can Washington manufacturers both compete successfully in the market of the future and pay good living wages.

Most small and midsize manufacturers do not have the resources that will allow them to easily access innovation and modernization technical assistance and the skills training needed to make them globally competitive. Because of the statewide public benefit to be gained from increasing the availability of innovation and modernization services, it is the intent of the legislature to create a new mechanism in a manner that reduces the up-front costs of these services for small and midsize manufacturing firms. It is further the intent of the legislature that Washington state increase its support for the federal manufacturing extension partnership program, to expand the delivery of innovation and modernization services to small and midsize Washington manufacturers, and to leverage federal funding and private resources devoted to such efforts.

The successful implementation of innovation and modernization services will enable a manufacturing firm to reduce costs, increase sales, become more profitable, and ultimately expand job opportunities for Washington citizens. Such growth will result in increased revenue from the state business and occupation taxes paid by manufacturers who have engaged in innovation and modernization services.

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

(1) "Costs of extension services" and "extension service costs" mean the direct costs experienced under a contract with a qualified manufacturing extension partnership affiliate for modernization extension services, including but not limited to amounts in the contract for costs of consulting, instruction, materials, equipment, rental of class space, marketing, and overhead.

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

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

(4) "Innovation and modernization extension voucher" and "voucher" mean an instrument issued to a successful applicant from the department, verifying that funds from the manufacturing innovation and modernization account will be forwarded to the qualified manufacturing extension partnership affiliate selected by the participant and will cover identified costs of extension services.

(5) "Innovation and modernization extension services" and "service" mean a service funded under this chapter and performed by a qualified manufacturing extension partnership affiliate. The services may include but are not limited to strategic planning, continuous improvement, business development, six sigma, quality improvement, environmental health and safety, lean processes, energy management, innovation and product development, human resources and training, supply chain management, and project management.

(6) "Outreach services" means those activities performed by an affiliate to either assess the technical assistance needs of Washington manufacturers or increase manufacturers' awareness of the opportunities and benefits of implementing cutting edge technology, techniques, and best practices. "Outreach services" includes but is not limited to salaries of outreach staff, needs assessments, client follow-up, public educational events, manufacturing orientated trade shows, electronic communications, newsletters, advertising, direct mail efforts, and contacting business organizations for names of manufacturers who might need assistance.

(7) "Program" means the Washington manufacturing innovation and modernization extension service program created in section 3 of this act.

(8) "Program participant" and "participant" mean an applicant for assistance under the program that has received a voucher or a small manufacturer receiving services through an industry association or cluster association that has received a voucher.

(9) "Qualified manufacturing extension partnership affiliate" and "affiliate" mean a private nonprofit organization established under RCW 24.50.010 or other organization that is eligible or certified to receive federal matching funds from the national institute of standards and technology manufacturing extension partnership program of the United States department of commerce.

(10) "Small manufacturer" means a private employer whose primary business is adding value to a product through a manufacturing process and employs one hundred or fewer employees within Washington state.

NEW SECTION. Sec. 3. (1) The Washington manufacturing innovation and modernization extension service program is created to provide assistance to small manufacturers located in the state of Washington. The program shall be administered by the department.

(2)(a) Application to receive assistance under this program must be made to the department in a form and manner specified by the department. Successful applicants will receive an innovation and modernization extension voucher from the department to cover the costs of extension services performed by a qualified manufacturing extension partnership affiliate. An applicant may not receive a voucher or vouchers of over two hundred thousand dollars per calendar year. The department shall only allocate up to sixty percent of available funding during the first year of a biennium.

(b) Applicants must:

(i) Have a valid agreement with a qualified manufacturing extension partnership affiliate to engage in innovation and modernization extension services;

(ii) Agree to: (A) Make a contribution to the manufacturing innovation and modernization account created in section 5 of this act, in an amount equal to twenty-five percent of the amount of the innovation and modernization extension voucher, upon completion of the innovation and modernization extension service; and (B) make monthly or quarterly contributions over the subsequent eighteen months, as specified in their agreement with the affiliate, to the manufacturing innovation and modernization account created in section 5 of this act in an amount equal to eighty percent of the amount of the innovation and modernization extension voucher;

(iii) Be a small manufacturer or an industry association or cluster association at the time the applicant entered into an agreement with a qualified manufacturing extension partnership affiliate; and

(iv) If a small manufacturer, ensure that the number of employees the applicant has in the state during the calendar year following the completion of the program will be equal to or greater than the number of employees the applicant had in the state in the calendar year preceding the start of the program.

(3) The director 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 funding for the innovation and modernization extension services and outreach services specified in this chapter. All revenue solicited and received by the department pursuant to this subsection must be deposited into the manufacturing innovation and modernization account created in section 5 of this act.

(4) The department may adopt rules to implement this section.

(5) Any qualified manufacturing extension partnership affiliate receiving funding under this program is required to submit a copy of its annual independent federal audit to the department within three months of its issuance.

NEW SECTION. Sec. 4. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter shall be controlling.

NEW SECTION. Sec. 5. (1) The manufacturing innovation and modernization account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for funding activities of the Washington manufacturing innovation and modernization extension services program created in section 3 of this act.

(3) All payments by a program participant in the Washington manufacturing innovation and modernization extension services program created in section 3 of this act shall be deposited into the manufacturing innovation and modernization account. Of the total payments deposited into the account by program participants, the department may use up to three percent for administration of this program. The deposit of payments under this section from a program participant cease when the department specifies that the program participant has met the monetary contribution obligations of the program.

(4) All revenue solicited and received under the provisions of section 3(3) of this act shall be deposited into the manufacturing innovation and modernization account.

(5) The legislature intends that all payments from the manufacturing innovation and modernization account made to qualified manufacturing extension partnership affiliates will be eligible as the state match in an affiliate's application for federal matching funds under the manufacturing extension partnership program of the United States department of commerce's national institute of standards and technology.

NEW SECTION. Sec. 6. Any qualified manufacturing extension partnership affiliate receiving funding under the program shall collect and submit to the department annually data on the number of clients served, the scope of services provided, and outcomes achieved during the previous calendar year. The department must evaluate the data submitted and use it in a biennial report on the program submitted to the appropriate committees of the legislature.

NEW SECTION. Sec. 7. A new section is added to chapter 43.131 RCW to read as follows:

The Washington manufacturing innovation and modernization extension service program under chapter 43.--- RCW (created in section 10 of this act) shall be terminated June 30, 2012, as provided in section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2013:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;

- (4) Section 4 of this act;
- (5) Section 5 of this act; and
- (6) Section 6 of this act.

NEW SECTION. Sec. 9. 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. 10. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6576 Prime Sponsor, Senator Swecker: Creating a pilot project to evaluate the use of electronic traffic flagging devices. 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 legislature intends to promote innovative approaches to improving highway safety and protecting both the traveling public and highway workers. Technological advances have made it possible for electronic traffic flagging devices to be used on highways in a manner that reduces highway worker exposure to vehicular traffic. The legislature intends for the department of transportation to pilot the use of electronic traffic flagging devices and consider increased use of these devices.

NEW SECTION. Sec. 2. A new section is added to chapter 47.36 RCW to read as follows:

The department shall initiate a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2009.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the transportation appropriations act, this act is null and void.

NEW SECTION. Sec. 4. This act expires December 31, 2009."

Correct the title.

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

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6596 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing for the creation of a sex offender policy board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Ericks; Fromhold; Grant; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Darneille; Green; Kretz and McDonald.

Passed to Committee on Rules for second reading.

March 1, 2008

ESSB 6665 Prime Sponsor, Senate Committee on Human Services & Corrections: Regarding the intensive case management and integrated crisis response pilot programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.96A.800 and 2005 c 504 s 220 are each amended to read as follows:

(1) The secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In

selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Within funds provided for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 70.96C.010;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

(4) This section expires (~~June 30~~) December 31, 2008.

Sec. 2. RCW 70.96B.800 and 2005 c 504 s 217 are each amended to read as follows:

(1) The Washington state institute for public policy shall evaluate the pilot programs and make ((a)) preliminary reports to appropriate committees of the legislature by December 1, 2007, and June 30, 2008, and a final report by (~~September 30, 2008~~) June 30, 2010.

(2) The evaluation of the pilot programs shall include:

(a) Whether the designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

Sec. 3. RCW 70.96B.010 and 2005 c 504 s 202 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

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

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

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

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

~~(23)~~ (23) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((23))~~ (24) "Judicial commitment" means a commitment by a court under this chapter.

~~((24))~~ (25) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((25))~~ (26) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

~~((26))~~ (27) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

~~((27))~~ (28) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

~~((28))~~ (29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((29))~~ (30) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

~~((30))~~ (31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

~~((31))~~ (32) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

~~((32))~~ (33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

~~((33))~~ (34) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

~~((34))~~ (35) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

~~((35))~~ (36) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((36))~~ (37) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

~~((37))~~ (38) "Secretary" means the secretary of the department or the secretary's designee.

~~((38))~~ (39) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

~~((39))~~ (40) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

~~((40))~~ (41) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((41))~~ (42) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 4. RCW 70.96B.020 and 2005 c 504 s 203 are each amended to read as follows:

(1) The secretary, after consulting with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to RCW 70.96A.800, to the extent necessary to facilitate evaluation of pilot project results. Within funds provided for this specific purpose, the secretary may contract with additional regional support networks or counties to provide integrated crisis response and involuntary treatment pilot programs to adults.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

Sec. 5. RCW 70.96B.050 and 2007 c 120 s 1 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider.

(2)(a) An order to detain to an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period may be issued by a judge upon request of a designated crisis responder: (i) Whenever it appears to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that there is probable cause to support the petition, and (ii) that the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury or sworn telephonic testimony, may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may be continued subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours. The person may be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be

permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

Sec. 6. RCW 70.96B.100 and 2005 c 504 s 211 are each amended to read as follows:

~~(If a person is detained for additional treatment beyond fourteen days under RCW 70.96B.090, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140.)~~ (1) A person detained for fourteen days of involuntary chemical dependency treatment under RCW 70.96B.090 or subsection (6) of this section shall be released from involuntary treatment at the expiration of the period of commitment unless the professional staff of the agency or facility files a petition for an additional period of involuntary treatment under RCW 70.96A.140, or files a petition for sixty days less restrictive treatment under this section naming the detained person as a respondent. Costs associated with the obtaining or revocation of an order for less restrictive treatment and subsequent involuntary commitment shall be provided for within current funding.

(2) A petition for less restrictive treatment must be filed at least three days before expiration of the fourteen-day period of intensive treatment, and comport with the rules contained in RCW 70.96B.090(2). The petition shall state facts that support the finding that the respondent, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the respondent or others. At the time of filing such a petition, the clerk shall set a time for the respondent to come before the court on the next judicial day after the day of filing unless such appearance is waived by the respondent's attorney.

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

(4) The court shall conduct a hearing on the petition for sixty days less restrictive treatment on or before the last day of the confinement period. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The respondent shall be present at such proceeding. The rules of evidence shall apply, and the respondent shall have the right to present evidence on his or her behalf, to cross-examine witnesses who testify against him or her, to remain silent, and to view and copy all petitions and reports in the court file. The physician-patient privilege or the psychologist-client privilege shall be deemed waived in accordance with the provisions under RCW 71.05.360(9).

Involuntary treatment shall continue while a petition for less restrictive treatment is pending under this section.

(5) The court may impose a sixty-day less restrictive order if the evidence shows that the respondent, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the respondent or others. The less restrictive order may impose treatment conditions and other conditions which are in the best interest of the respondent and others. A copy of the less restrictive order shall be given to the respondent, the designated crisis responder, and any program designated to provide less restrictive treatment. A program designated to provide less restrictive treatment and willing to supervise the conditions of the less restrictive order may modify the conditions for continued release when the modification is in the best interests of the respondent, but must notify the designated crisis responder and the court of such modification.

(6) If a program approved by the court and willing to supervise the conditions of the less restrictive order or the designated crisis responder determines that the respondent is failing to adhere to the terms of the less restrictive order or that substantial deterioration in the respondent's functioning has occurred, then the designated crisis responder shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the respondent should be returned to more restrictive care. The designated crisis responder may cause the respondent to be immediately taken into custody of the secure detoxification facility pending the hearing if the alleged noncompliance causes an imminent risk to the safety of the respondent. The designated crisis responder shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The respondent shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released respondent did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the respondent's functioning has occurred and whether the condition of release should be modified or the respondent should be returned to a more restrictive setting. The hearing may be waived by the respondent and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. If court finds in favor of the petitioner, or the respondent waives a hearing, the court may order the respondent to be committed to a secure detoxification facility for fourteen days of involuntary chemical dependency treatment, or may order the respondent to be returned to less restrictive treatment on the same or modified conditions.

Sec. 7. RCW 70.96B.900 and 2005 c 504 s 219 are each amended to read as follows:

Sections 202 through 216 (~~of this act~~), chapter 504, Laws of 2005 expire (~~July 1~~) December 31, 2008.

NEW SECTION. Sec. 8. Sections 3 through 6 of this act expire December 31, 2008.

Sec. 9. 2007 c 120 s 4 (uncodified) is amended to read as follows:

Sections 1 and 2 (~~of this act~~), chapter 120, Laws of 2007 expire (~~July 1~~) December 31, 2008.

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, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

MINORITY recommendation: Without recommendation.
Signed by Representatives Anderson; Chandler and Ross.

Passed to Committee on Rules for second reading.

March 1, 2008

E2SSB 6673 Prime Sponsor, Senate Committee on Ways & Means: Creating learning opportunities.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is likely that more than eighty-five percent of students in the class of 2008 who had accumulated sufficient course credits by the time they entered their senior year will complete all high school graduation requirements by June of 2008, including meeting the state standard in reading and writing on the high school Washington assessment of student learning or an approved alternative. However, it is also likely that as many as ten thousand or more students across the state will not be ready to graduate in June as a result of not meeting the state standard in reading, writing, or both. Furthermore, it is likely that each year in the future, some proportion of students will simply not be ready to graduate after twelve years of school. These students will need additional instruction so they can earn their diplomas. New courses and instructional strategies must be developed that are appropriate for these students. Perhaps more important, these students will need support, encouragement, guidance, and access to learning opportunities that will help them transition beyond high school and make progress in a career pathway that will lead to additional education and a family wage job. Such learning opportunities exist, but they need to be expanded, and more effort must be made to inform students about them.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop information and training for counselors and mentor teachers on providing guidance to students who have completed required course credits but will not be ready to graduate with their class

because they need additional skills in key academic areas, including meeting state standards on the Washington assessment of student learning. Guidance and counseling programs for these students must include encouragement and support for high school completion and specific assistance with entering and making progress in a career pathway that will lead to additional education and a family wage job. The programs must also provide information on the local availability of options and programs for these students, including:

(a) Options for students who are not ready to graduate with their class to continue receiving instruction geared to high school completion or obtaining a GED, or both, and certification through high schools, skill centers, and community and technical colleges;

(b) Skills training and tutoring options for young adults offered through local community-based organizations;

(c) Online learning opportunities targeted to basic skills acquisition;

(d) Workforce education and training options and pathways, especially in occupations that will lead to family wage jobs and are in demand by employers; and

(e) Availability of financial aid for postsecondary education and assistance for students and families in accessing financial aid, including the opportunity grant program under RCW 28B.50.271.

(2) Beginning in the summer of 2008, the office of the superintendent of public instruction shall create and offer a training module through the summer institutes for high school counselors and mentor teachers on the topics described in subsection (1) of this section.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate funds to school districts and educational service districts to provide the enhanced guidance, counseling, support, and assistance described in this section, which shall be targeted first to students who have completed required course credits but will not be ready to graduate with their class. Funds shall be allocated as specified in the omnibus appropriations act. The legislature's intent is that funding under this subsection be allocated primarily on the basis of the anticipated number of students in the target population in a district, with funds allocated to educational service districts where regional outreach is a more feasible method of service delivery due to small numbers of students dispersed among multiple school districts. The office of the superintendent of public instruction shall annually collect and report statistics on the number of students served by the enhanced programs under this subsection and the number of subsequent high school or certificate completions among students in the target population.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to school districts, skill centers, and educational service districts to create high school plus programs targeted to students who have completed required course credits but are not ready to graduate with their class because they need additional skills in key academic areas, including meeting state standards on the Washington assessment of student learning.

(2) High school plus programs must include, at a minimum:

(a) Skill instruction and tutoring for students in the key academic areas necessary for them to meet state standards on the Washington assessment of student learning, offered using alternative service delivery methods such as flexible scheduling, evening and weekend classes, self-paced and outcome-based curriculum, or online courses;

(b) Assistance with development of a collection of evidence alternative assessment;

(c) Enhanced guidance, counseling, support, and assistance; and

(d) Opportunities for students to enroll in additional courses, work-based learning, internships, or other programs that provide entry to a career pathway that will lead to additional education and a family wage job. Grant recipients may offer the career pathway opportunities directly or in partnership with community-based organizations and community and technical colleges.

(3) The office of the superintendent of public instruction shall allocate the grants under this section on a competitive basis but rely on a simple application and allocate funds largely on the number of students in the target population. In order to provide services to students in the class of 2008, the first grant recipients shall be announced no later than June 15, 2008, with an additional round of applications possible if there are an insufficient number of initial respondents. To maximize available resources, school districts are encouraged to submit collaborative applications that coordinate services across multiple districts.

(4) Grants under this section may be used for program design and development, start-up costs, curriculum, and capacity to operate and sustain a special program for small numbers of students. To support high school plus programs, school districts may also use funding for programs under RCW 28A.150.220 for students under the age of twenty-one who are enrolled for the purpose of completing a high school diploma, any enhanced funding for guidance and counseling such as that described under section 2 of this act, and other available resources.

NEW SECTION. Sec. 4. The office of the superintendent of public instruction shall submit a report on the program design and outcomes of high school plus programs created under section 3 of this act to the education committees of the legislature by September 15, 2009. The office shall also recommend a funding mechanism for high school plus programs that does not rely on competitive grants and any additional changes to improve the effectiveness of the programs.

Sec. 5. RCW 28A.165.055 and 2005 c 489 s 1 are each amended to read as follows:

(1) Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based on one or more family income factors measuring economic need.

(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.

(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the

district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced price lunch exceeded forty percent in the prior school year.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall contract with a national organization to establish, maintain, and operate an endowment for the promotion of geography education in Washington state. The national organization must have experience operating geography education endowments in other states and must provide equal nonstate matching funds to the state funds provided in the contract. All funds in and any interest earned on the endowment shall be used exclusively for geography education programs including, but not limited to, curriculum materials, resource collections, and professional development institutes for teachers and administrators. The national organization must have an established affiliated advisory committee in the state to recommend local projects to be funded by the endowment. The contract shall require that the organization report annually to the superintendent on the recipients of endowment funds and the amounts and purposes of expenditures from the fund.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.655 RCW to read as follows:

(1) If funding is appropriated for this purpose, school districts shall provide all tenth graders enrolled in the district the option of taking the PSAT at no cost to the student.

(2) The office of the superintendent of public instruction shall enter into an agreement with the firm that administers the PSAT to reimburse the firm for the testing fees of students who take the test.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

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

Passed to Committee on Rules for second reading.

March 1, 2008

SSB 6711 Prime Sponsor, Senate Committee on Consumer Protection & Housing: Creating the smart homeownership choices program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.320 RCW to read as follows:

(1) The smart homeownership choices program is created in the department to assist low-income and moderate-income households, as defined in RCW 84.14.010, facing foreclosure.

(2) The department shall enter into an interagency agreement with the Washington state housing finance commission to implement and administer this program with moneys from the account created in section 2 of this act. The Washington state housing finance commission will request funds from the department as needed to implement and operate the program.

(3) The commission shall, under terms and conditions to be determined by the commission, assist homeowners who are delinquent on their mortgage payments to bring their mortgage payments current in order to refinance into a different loan product. Financial assistance received by homeowners under this chapter shall be repaid at the time of refinancing into a different loan product. Homeowners receiving financial assistance shall also agree to partake in a residential mortgage counseling program. Moneys may also be used for outreach activities to raise awareness of this program. Not more than four percent of the total appropriation for this program may be used for administrative expenses of the department and the commission.

(4) The commission must provide an annual report to the legislature at the end of each fiscal year of program operation. The report must include information including the total number of households seeking help to resolve mortgage delinquency, the number of program participants that successfully avoided foreclosure, and the number of program participants who refinanced a home, including information on the terms of both the new loan product and the product out of which the homeowner refinanced. The commission shall establish and report upon performance measures, including measures to gauge program efficiency and effectiveness and customer satisfaction.

NEW SECTION. Sec. 2. A new section is added to chapter 43.320 RCW to read as follows:

The smart homeownership choices program account is created in the custody of the state treasurer. All receipts from the appropriation in section 4 of this act as well as receipts from private contributions and all other sources that are specifically designated for the smart homeownership choices program must be deposited into the account. Expenditures from the account may be used solely for the purpose of preventing foreclosures through the smart homeownership choices program as described in section 1 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 3. A new section is added to chapter 43.320 RCW to read as follows:

The Washington state housing finance commission shall only serve low-income households, as defined in RCW 84.14.010, through the smart homeownership choices program described in section 1 of this act using state appropriated general funds in the smart homeownership choices program account created in section 2 of this act. Contributions from private and other sources to the account may be used to serve both low-income and moderate-income households, as defined in RCW 84.14.010, through the smart homeownership choices program.

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

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist; Sullivan and Walsh.

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

Passed to Committee on Rules for second reading.

March 1, 2008

2SSB 6732 Prime Sponsor, Senate Committee on Ways & Means: Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.27.030 and 2007 c 436 s 3 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) Unified business identifier number(~~(, if required by the department of revenue)~~).

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

(d) Employment security department number.

(e) ~~(State excise tax registration number.~~

~~—(f))~~ Unified business identifier (UBI) account number may be substituted for the information required by (c) and (d) of this subsection if the applicant will not employ employees in Washington(~~(, and by (d) and (e) of this subsection)~~).

~~((g))~~ (f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

~~((h))~~ (g) The name and address of each partner if the applicant is a firm or partnership, or the name and address of the owner if the applicant is an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant is a corporation or the name and address of all members of other business entities. The information contained in such application is a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on work performed subject to this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; ~~((or))~~ (iii) the applicant does not have a valid unified business identifier number(~~(, if required by the department of revenue)~~); (iv) the department determines that the applicant has falsified information on the application, unless the error was inadvertent; or (v) the applicant does not have an active and valid certificate of registration with the department of revenue.

(b) The department shall suspend an active registration if (i) the department has determined that the registrant has an unsatisfied final judgment against it for work within the scope of this chapter; (ii) the department has determined that the registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; ~~((or))~~ (iii) the registrant does not maintain a valid unified business identifier number(~~(, if required by the department of revenue)~~); (iv) the department has determined that the registrant falsified information on the application, unless the error was inadvertent; or (v) the registrant does not have an active and valid certificate of registration with the department of revenue.

(c) The department may suspend an active registration if the department has determined that an owner, principal, partner, or officer of the registrant was an owner, principal, or officer of a previous partnership, corporation, or other entity that has an unsatisfied final judgment against it.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

Sec. 2. RCW 18.27.100 and 2001 c 159 s 8 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

(3)(a) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (3)(a).

(b) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued no more than two days after the expiration of the issue or publication containing the advertising or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b).

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or corporation is not registered pursuant to this chapter is a violation of this chapter.

(7) An applicant or registrant who falsifies information on an application for registration commits a violation under this section.

(8)(a) The finding of a violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, shall subject the person committing the violation to a penalty of not more than ten thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

NEW SECTION. **Sec. 3.** A new section is added to chapter 39.12 RCW to read as follows:

A contractor shall not be allowed to bid on any public works contract for one year from the date of a final determination that the contractor has committed any combination of two of the following violations or infractions within a five-year period:

(1) Violated RCW 51.48.020(1) or 51.48.103; or

(2) Committed an infraction or violation under chapter 18.27 RCW for performing work as an unregistered contractor.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.27 RCW to read as follows:

A contractor found to have committed an infraction or violation under this chapter for performing work as an unregistered contractor shall, in addition to any penalties under this chapter, be subject to the penalties in section 3 of this act.

Sec. 5. RCW 51.16.070 and 1997 c 54 s 3 are each amended to read as follows:

(1)(a) Every employer shall keep at his or her place of business a record of his or her employment from which the information needed by the department may be obtained and such record shall at all times be open to the inspection of the director, supervisor of industrial insurance, or the traveling auditors, agents, or assistants of the department, as provided in RCW 51.48.040.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and the compensation paid to the person or entity performing the work. Failure to obtain or maintain the record is subject to RCW 39.06.010 and to a penalty under RCW 51.48.030.

(2) Information obtained from employing unit records under the provisions of this title shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but any interested party shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question: PROVIDED, That any employing unit may authorize inspection of its records by written consent.

Sec. 6. RCW 50.13.060 and 2005 c 274 s 322 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information

containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (9) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c) and (d). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection

(1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(8) The department may provide information for purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program to the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program in accordance with RCW 43.20A.080. The confidential information provided by the department shall remain the property of the department and may be used by the authorized requesting agencies only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. The department of social and health services, the office of financial management, or other governmental entities with oversight or evaluation responsibilities for the program are not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section and applicable federal laws and regulations must be satisfied. The confidential information used for evaluation and analysis of welfare reform supplied to the authorized requesting entities with regard to the WorkFirst program or any successor state welfare program are exempt from public inspection and copying under chapter 42.56 RCW.

(9) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is (a) directly connected to the official purpose for which the records or information were obtained or (b) to another governmental agency which would be permitted to obtain the records or information under subsection (4) or (5) of this section.

(10) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

(11)(a) To promote the reemployment of job seekers, the commissioner may enter into data-sharing contracts with partners of the one-stop career development system. The contracts shall provide for the transfer of data only to the extent that the transfer is necessary for the efficient provisions of workforce programs, including but not limited to public labor exchange, unemployment insurance, worker training and retraining, vocational rehabilitation, vocational education, adult education, transition from public assistance, and

support services. The transfer of information under contracts with one-stop partners is exempt from subsection (1)(c) of this section.

(b) An individual who applies for services from the department and whose information will be shared under (a) of this subsection (11) must be notified that his or her private and confidential information in the department's records will be shared among the one-stop partners to facilitate the delivery of one-stop services to the individual. The notice must advise the individual that he or she may request that private and confidential information not be shared among the one-stop partners and the department must honor the request. In addition, the notice must:

(i) Advise the individual that if he or she requests that private and confidential information not be shared among one-stop partners, the request will in no way affect eligibility for services;

(ii) Describe the nature of the information to be shared, the general use of the information by one-stop partner representatives, and among whom the information will be shared;

(iii) Inform the individual that shared information will be used only for the purpose of delivering one-stop services and that further disclosure of the information is prohibited under contract and is not subject to disclosure under chapter 42.56 RCW; and

(iv) Be provided in English and an alternative language selected by the one-stop center or job service center as appropriate for the community where the center is located.

If the notice is provided in-person, the individual who does not want private and confidential information shared among the one-stop partners must immediately advise the one-stop partner representative of that decision. The notice must be provided to an individual who applies for services telephonically, electronically, or by mail, in a suitable format and within a reasonable time after applying for services, which shall be no later than ten working days from the department's receipt of the application for services. A one-stop representative must be available to answer specific questions regarding the nature, extent, and purpose for which the information may be shared.

(12) To facilitate improved operation and evaluation of state programs, the commissioner may enter into data-sharing contracts with other state agencies only to the extent that such transfer is necessary for the efficient operation or evaluation of outcomes for those programs. The transfer of information by contract under this subsection is exempt from subsection (1)(c) of this section.

(13) The misuse or unauthorized release of records or information by any person or organization to which access is permitted by this chapter subjects the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

Sec. 7. RCW 50.12.070 and 2007 c 146 s 1 are each amended to read as follows:

(1)(a) Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and compensation paid to the person or entity performing the work. Failure to obtain or maintain the record is subject to RCW 39.06.010 and to a penalty determined by the commissioner, but not to exceed two hundred fifty dollars, to be collected as provided in RCW 50.24.120.

(2)(a) Each employer shall register with the department and obtain an employment security account number. Registration must include the names and social security numbers of the owners, partners, members, or corporate officers of the business, as well as their mailing addresses and telephone numbers and other information the commissioner may by rule prescribe. Registration of corporations must also include the percentage of stock ownership for each corporate officer, delineated by zero percent, less than ten percent, or ten percent or more. Any changes in the owners, partners, members, or corporate officers of the business, and changes in percentage of ownership of the outstanding shares of stock of the corporation, must be reported to the department at intervals prescribed by the commissioner under (b) of this subsection.

(b) Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the full names and social security numbers of all such workers, and the total hours worked by each worker and such other information as the commissioner may by regulation prescribe.

(c) If the employing unit fails or has failed to report the number of hours in a reporting period for which a worker worked, such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such hours worked, the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That although the computation so made will not be subject to appeal by the employing unit, monetary entitlement may be redetermined upon request if the department is provided with credible evidence of the actual hours worked. Benefits paid using computed hours are not considered an overpayment and are not subject to collections when the correction of computed hours results in an invalid or reduced claim; however:

(i) A contribution paying employer who fails to report the number of hours worked will have its experience rating account charged for all benefits paid that are based on hours computed under this subsection; and

(ii) An employer who reimburses the trust fund for benefits paid to workers and fails to report the number of hours worked shall reimburse the trust fund for all benefits paid that are based on hours computed under this subsection.

Sec. 8. RCW 51.48.103 and 2003 c 53 s 283 are each amended to read as follows:

(1) It is a gross misdemeanor:

(a) For any employer to engage in business subject to this title without having obtained a certificate of coverage as provided for in this title;

(b) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business subject to this title without having obtained a certificate of coverage as provided for in this title.

(2) It is a class C felony punishable according to chapter 9A.20 RCW:

(a) For any employer to engage in business subject to this title after the employer's certificate of coverage has been revoked by order of the department;

(b) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business subject to this title after revocation of a certificate of coverage.

(3) An employer found to have violated this section shall, in addition to any other penalties, be subject to the penalties in section 3 of this act.

Sec. 9. RCW 51.48.020 and 1997 c 324 s 1 are each amended to read as follows:

(1)(a) Any employer, who knowingly misrepresents to the department the amount of his or her payroll or employee hours upon which the premium under this title is based, shall be liable to the state for up to ten times the amount of the difference in premiums paid and the amount the employer should have paid and for the reasonable expenses of auditing his or her books and collecting such sums. Such liability may be enforced in the name of the department.

(b) An employer is guilty of a class C felony, if:

(i) The employer, with intent to evade determination and payment of the correct amount of the premiums, knowingly makes misrepresentations regarding payroll or employee hours; or

(ii) The employer engages in employment covered under this title and, with intent to evade determination and payment of the correct amount of the premiums, knowingly fails to secure payment of compensation under this title or knowingly fails to report the payroll or employee hours related to that employment.

(c) Upon conviction under (b) of this subsection, the employer shall be ordered by the court to pay the premium due and owing, a penalty in the amount of one hundred percent of the premium due and owing, and interest on the premium and penalty from the time the premium was due until the date of payment. The court shall:

(i) Collect the premium and interest and transmit it to the department of labor and industries; and

(ii) Collect the penalty and disburse it pro rata as follows: One-third to the investigative agencies involved; one-third to the prosecuting authority; and one-third to the general fund of the county in which the matter was prosecuted.

Payments collected under this subsection must be applied until satisfaction of the obligation in the following order: Premium payments; penalty; and interest.

(d) An employer found to have violated this subsection shall, in addition to any other penalties, be subject to the penalties in section 3 of this act.

(2) Any person claiming benefits under this title, who knowingly gives false information required in any claim or application under this title shall be guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW.

Sec. 10. 2007 c 288 s 2 (uncodified) is amended to read as follows:

(1) The joint legislative task force on the underground economy in the Washington state construction industry is established. For purposes of this section, "underground economy" means contracting and construction activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes.

(2) The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies so as to increase the oversight and regulation of the underground economy practices in the construction industry in this state. To assist the task force in achieving this goal and to determine the extent of and projected costs to the state and workers of the underground economy in the construction industry, the task force shall contract with the institute for public policy, or, if the institute is unavailable, another entity with expertise capable of providing such assistance.

(3)(a) The task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house of representatives commerce and labor committee;

(iii) Four members representing the construction business, selected from nominations submitted by statewide construction business organizations and appointed jointly by the president of the senate and the speaker of the house of representatives;

(iv) Four members representing construction laborers, selected from nominations submitted by statewide labor organizations and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative, who is a nonvoting member of the task force. The departments shall cooperate with the task force and the institute for public policy, or other entity as appropriate, and shall provide information and data as the task force or the institute, or other entity as appropriate, may reasonably request.

(c) The task force shall choose its chair or cochairs from among its legislative membership. The chairs of the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee shall convene the initial meeting of the task force.

(4)(a) The task force shall use legislative facilities and staff support shall be provided by senate committee services and the house of representatives office of program research. Within available funding, the task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The task force shall report its preliminary findings and recommendations to the legislature by January 1, 2008, and submit a final report to the legislature by December 31, 2008.

(6) This section expires July 1, (~~2008~~) 2009.

NEW SECTION. Sec. 11. (1)(a) Three staff members, one being a working supervisor, must be added to the department of labor and industries' fraud audit infraction and revenue contractor fraud team.

(b) The department of labor and industries and the employment security department shall hire more auditors to assist with their

enforcement activities relating to the underground economy in the construction industry. At a minimum, the department of labor and industries shall hire three more auditors.

(2) If funds are made available in the 2008 supplemental budget, money must be dedicated to the attorney general's office to be used in the enforcement of contractor compliance cases.

NEW SECTION. Sec. 12. A new section is added to chapter 18.27 RCW to read as follows:

The department shall create an expanded social marketing campaign using currently available materials and newly created materials as needed. This campaign should be aimed at consumers and warn them of the risks and potential consequences of hiring unregistered contractors or otherwise assisting in the furtherance of the underground economy. The campaign may include: Providing public service announcements and other similar materials, made available in English as well as other languages, to the media and to community groups; providing information on violations and penalties; and encouraging legitimate contractors and the public to report fraud.

NEW SECTION. Sec. 13. A new section is added to chapter 43.22 RCW to read as follows:

(1) A pilot project must be established between the department and certain local jurisdictions to explore ways to improve the collection and sharing of building permit information. Participation must be voluntary for the local jurisdictions who participate, but one large city, some smaller cities, and at least one county are encouraged to participate.

(2) The department must report back to the appropriate committees of the legislature on the progress of the pilot project by November 15, 2013.

(3) The department may adopt rules to undertake the pilot project under this section.

(4) This section expires December 1, 2014.

NEW SECTION. Sec. 14. An advisory committee must be organized by the Washington state institute for public policy with the assistance of the department of revenue, the department of labor and industries, and the employment security department, with a goal of establishing benchmarks for future monitoring of activities recommended by the task force on the underground economy in the construction industry. Benchmarks should measure the effect of task force recommendations to determine their efficiency and effectiveness and to determine if additional approaches should be explored. Establishment of these benchmarks along with a more concerted effort to develop data that answer the baseline question of the magnitude of the problem could be discussed in a legislative extension of the task force. The institute must provide a preliminary report to the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee by December 31, 2008.

NEW SECTION. Sec. 15. 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. 16. 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. 17. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

MINORITY recommendation: Without recommendation.
Signed by Representative Anderson.

Passed to Committee on Rules for second reading.

February 29, 2008

ESSB 6760 Prime Sponsor, Senate Committee on Ways & Means: Concerning the developmental disabilities trust account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71A.20.170 and 2005 c 353 s 1 are each amended to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers at Lakeland Village, Firecrest school, Yakima Valley school, Francis Haddon Morgan Center, and Rainier school that would not impact current residential habilitation center operations must be deposited into the account. (~~(Income)~~ Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property. "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility. (~~("Proceeds" include the net receipts from the use of all or a portion of the properties.))~~) Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, investment income includes lease or rent payments or other periodic payments for use of real property deposited into the trust account. For purposes

of this section, principal means the actual excess land assigned to the trust account. Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

~~(2) ((The department shall report on its efforts and strategies to provide income to the developmental disabilities community trust account from the excess property identified in subsection (1) of this section from the lease of the property, sale of timber, or other activity short of sale of the property. The department shall report by June 30, 2006.~~

~~—(3))~~ The account shall be known as the Dan Thompson memorial developmental disabilities community trust account."

Correct the title.

Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Appleton; Blake; Eickmeyer; Flannigan; Hankins; Kelley; McCune; Orcutt; Pearson; Pedersen; Sells; Skinner and Smith.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase and Hasegawa.

Passed to Committee on Rules for second reading.

March 1, 2008

ESSB 6776 Prime Sponsor, Senate Committee on Government Operations & Elections: Modifying state whistleblower protections. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds and declares that government exists to conduct the people's business, and the people remaining informed about the actions of government contributes to the oversight of how the people's business is conducted. The legislature further finds that many public servants who expose actions of their government that are contrary to the law or public interest face the potential loss of their careers and livelihoods.

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

This act shall be broadly construed in order to effectuate the purpose of this act.

Sec. 2. RCW 42.40.020 and 1999 c 361 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) "Good faith" means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the ((communication)) information. ("Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.) An individual who knowingly, or reasonably ought to know, provides or reports malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith.

(4) "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

~~((5))~~ (6)(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

(i) Which is ~~((a))~~ a gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; ~~((b))~~

(iii) Which is of substantial and specific danger to the public health or safety;

(iv) Which is gross mismanagement; or

(v) Which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. This provision is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings. Nothing in this subsection prevents or impairs a state agency's or public official's ability to manage its public resources or its employees in the performance of their official job duties. This subsection does not apply to de minimis, technical disagreements that are not relevant for otherwise improper governmental activity. Nothing in this provision requires the auditor to contract or consult with external experts regarding the scientific validity, invalidity, or justification of a finding or opinion.

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

~~((6))~~ (7) "Public official" means the attorney general's designee or designees; an appropriate number of individuals designated to

receive whistleblower reports by the head of each agency; or the executive ethics board.

(8) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

((7)) (9) "Use of official authority or influence" includes threatening, taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment including but not limited to duties and office location, reassignment, reinstatement, restoration, reemployment, performance evaluation, determining any material changes in pay, provision of training or benefits, tolerance of a hostile work environment, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

((8)) (10)(a) "Whistleblower" means:

(i) An employee who in good faith reports alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040; or

(ii) An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040.

(b) For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means:

((a)) (i) An employee who in good faith provides information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported asserted improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, or to have provided information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or

((b)) (ii) An employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

Sec. 3. RCW 42.40.030 and 1995 c 403 s 510 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) or other public official, as defined in RCW 42.40.020, information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law, except to the extent that information is necessary to substantiate the whistleblower complaint, in which case information may be disclosed to the auditor or public official, as defined in RCW 42.40.020, by the whistleblower for the limited purpose of providing information related to the complaint.

Any information provided to the auditor or public official under the authority of this subsection may not be further disclosed.

Sec. 4. RCW 42.40.040 and 1999 c 361 s 3 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor or other public official within one year after the occurrence of the asserted improper governmental action. The public official, as defined in RCW 42.40.020, receiving an assertion of improper governmental action must report the assertion to the auditor within fifteen calendar days of receipt of the assertion. The auditor retains sole authority to investigate an assertion of improper governmental action including those made to a public official. A failure of the public official to report the assertion to the auditor within fifteen days does not impair the rights of the whistleblower.

(b) Except as provided under RCW 42.40.910 for legislative and judicial branches of government, the auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions of improper governmental actions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity or identifying characteristics of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation. In addition, the identity or identifying characteristics of any person who in good faith provides information in an investigation under this section is confidential at all times, unless the person consents to disclosure by written waiver or by acknowledging his or her identity as a witness who provides information in an investigation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within ((five)) fifteen working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed ((thirty)) sixty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate.

(4) In addition to the authority under subsection (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower summarizing

where the allegations are deficient, and provide a reasonable opportunity to reply. Such notification may be by electronic means.

(b) The written notification shall contain a summary of the information received and of the results of the preliminary investigation with regard to each assertion of improper governmental action.

(c) In any case to which this section applies, the identity or identifying characteristics of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith. If the auditor makes such a determination, the auditor shall provide reasonable advance notice to the employee.

(d) With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

(6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

~~((7))~~(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation or issue a report under subsection ~~((9))~~ (9) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

~~((8))~~ (7) Within sixty working days after the preliminary investigation period in subsection (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection (3) of this section.

~~((9))~~ (8)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of

witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

~~((10))~~ (9)(a) If the auditor determines there is reasonable cause to believe an employee has engaged in improper governmental action, the auditor shall report, to the extent allowable under existing public disclosure laws, the nature and details of the activity to:

(i) The subject or subjects of the investigation and the head of the employing agency; ~~((and))~~

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate;

(iii) Electronically to the governor, secretary of the senate, and chief clerk of the house of representatives; and

(iv) Except for information whose release is specifically prohibited by statute or executive order, the public through the public file of whistleblower reports maintained by the auditor.

(b) The auditor has no enforcement power except that in any case in which the auditor submits an investigative report containing reasonable cause determinations to the agency, the agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action has not been taken, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

~~((11))~~ (10) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

~~((12))~~ (11) Failure to cooperate with such audit or investigation, or retaliation against anyone who assists the auditor by engaging in activity protected by this chapter shall be reported as a separate finding with recommendations for corrective action in the associated report whenever it occurs.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

Sec. 5. RCW 42.40.070 and 1989 c 284 s 5 are each amended to read as follows:

A written summary of this chapter and procedures for reporting improper governmental actions established by the auditor's office shall be made available by each department or agency of state government to each employee upon entering public employment. Such notices may be in agency internal newsletters, included with paychecks or stubs, sent via electronic mail to all employees, or sent by other means that are cost-effective and reach all employees of the government level, division, or subdivision. Employees shall be notified by each department or agency of state government each year of the procedures and protections under this chapter. The annual notices shall include a list of public officials, as defined in RCW 42.40.020, authorized to receive whistleblower reports. The list of public officials authorized to receive whistleblower reports shall also be prominently displayed in all agency offices.

Sec. 6. RCW 42.40.050 and 1999 c 283 s 1 are each amended to read as follows:

(1)(a) Any person who is a whistleblower, as defined in RCW 42.40.020, and who has been subjected to workplace reprisal or retaliatory action is presumed to have established a cause of action for the remedies provided under chapter 49.60 RCW.

(b) For the purpose of this section, "reprisal or retaliatory action" means, but is not limited to, any of the following:

- ((a)) (i) Denial of adequate staff to perform duties;
- ((b)) (ii) Frequent staff changes;
- ((c)) (iii) Frequent and undesirable office changes;
- ((d)) (iv) Refusal to assign meaningful work;
- ((e)) (v) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
- ((f)) (vi) Demotion;
- ((g)) (vii) Reduction in pay;
- ((h)) (viii) Denial of promotion;
- ((i)) (ix) Suspension;
- ((j)) (x) Dismissal;
- ((k)) (xi) Denial of employment;
- ((l)) (xii) A supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower;
- ((m)) (xiii) A change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish;
- (xiv) Issuance of or attempt to enforce any nondisclosure policy or agreement in a manner inconsistent with prior practice; or
- (xv) Any other action that is inconsistent compared to actions taken before the employee engaged in conduct protected by this chapter, or compared to other employees who have not engaged in conduct protected by this chapter.

(2) The agency presumed to have taken retaliatory action under subsection (1) of this section may rebut that presumption by proving by a preponderance of the evidence that there have been a series of documented personnel problems or a single, egregious event, or that the agency action or actions were justified by reasons unrelated to the employee's status as a whistleblower and that improper motive was not a substantial factor.

(3) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline

an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

Sec. 7. RCW 49.60.230 and 1993 c 510 s 21 and 1993 c 69 s 11 are each reenacted and amended to read as follows:

(1) Who may file a complaint:

(a) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the commission a complaint in writing under oath or by declaration. The complaint shall state the name of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the commission.

(b) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the commission may issue a complaint.

(c) Any employee or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the commission a written complaint under oath or by declaration asking for assistance by conciliation or other remedial action.

(2) Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination except that complaints alleging an unfair practice in a real estate transaction pursuant to RCW 49.60.222 through 49.60.225 must be so filed within one year after the alleged unfair practice in a real estate transaction has occurred or terminated and a complaint alleging whistleblower retaliation must be filed within two years.

Sec. 8. RCW 49.60.250 and 1993 c 510 s 23 and 1993 c 69 s 14 are each reenacted and amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed ~~((ten))~~ twenty thousand dollars, and including a requirement for report of the matter on compliance. Relief available for violations of RCW 49.60.222 through 49.60.224 shall be limited to the relief specified in RCW 49.60.225.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, require restoration of benefits, back pay, and any increases in compensation that would have occurred, with interest; impose a civil penalty upon the retaliator of up to ~~((three))~~ five thousand dollars; and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. No agency shall issue any nondisclosure order or policy, execute any nondisclosure agreement, or spend any funds requiring information that is public under the public records act, chapter 42.56 RCW, be kept confidential; except that nothing in this section shall affect any state or federal law requiring information be kept confidential. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

(10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

(11) Instead of filing with the commission, a complainant may pursue arbitration conducted by the American arbitration association or another arbitrator mutually agreed by the parties, with the cost of arbitration shared equally by the complainant and the respondent.

Sec. 9. RCW 42.40.910 and 1999 c 361 s 7 are each amended to read as follows:

This act and chapter 361, Laws of 1999 ~~((does))~~ do not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW. The senate, the house of representatives, and the

supreme court shall adopt policies regarding the applicability of chapter 42.40 RCW to the senate, house of representatives, and judicial branch.

NEW SECTION. Sec. 10. 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. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6804 Prime Sponsor, Senate Committee on Ways & Means: Providing grants to community colleges for long-term care worker training. 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. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Subject to funding provided specifically for the purposes of this section, the state board for community and technical colleges, in consultation with the exclusive bargaining representative of individual providers under RCW 74.39A.270, shall allocate capital grants on a competitive basis to up to four community college pilot sites for the delivery of training and workforce development services for long-term care workers required under chapter 74.39A RCW. Moneys must be used to renovate or expand existing community college facilities, or to acquire land and facilities in close proximity to a community college campus, to accommodate programs that provide home and community-like long-term care settings, including the installation of durable medical equipment such as assistive devices, lifts, and remote technologies. Community colleges eligible to participate in the pilot program must be located in a county with a population of two hundred thousand or more. Priority consideration must be given to community college applicants: (a) With existing allied health care programs; and (b) that can demonstrate tangible commitments to the project by business or other community partners.

(2) This section expires July 1, 2015.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.50 RCW to read as follows:

By December 1, 2014, the state board for community and technical colleges shall file a report with the capital budget and higher education committees of the legislature regarding the pilot program created in section 1 of this act. With respect to each community college pilot site, the report shall include the following:

(1) The number of long-term care workers trained prior to the college's participation in the pilot program and duration or extent of such training;

(2) The number of long-term care workers trained subsequent to the college's participation in the pilot program and duration or extent of such training;

(3) The identity of community and business partners providing tangible commitments to each pilot site, together with a detailed description of those tangible commitments; and

(4) The amount of the grant moneys received, dates of receipt, and a detailed description, including costs, of the renovation, expansion, and acquisitions associated with the grant moneys.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act or the omnibus capital appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Appleton; Blake; Chase; Eickmeyer; Flannigan; Hankins; Hasegawa; Kelley; McCune; Orcutt; Pearson; Pedersen; Sells; Skinner and Smith.

Passed to Committee on Rules for second reading.

March 1, 2008

SSB 6805 Prime Sponsor, Senate Committee on Agriculture & Rural Economic Development: Promoting farm and forest land preservation and restoration through conservation markets. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Farmers and small forest landowners should be encouraged through the use of incentives to conserve and restore natural areas on their farms and small tree farming operations in ways that improve the long-term viability of these operations by providing ongoing revenue to these operations without taking whole farms or significant amounts of farmland or small tree farming operations out of production;

(b) Farmers and small forest landowners have the ability to produce restoration products as well as implement conservation practices on their productive agricultural lands and small tree farms in a way that is likely to be useful to fulfill the mitigation,

compliance, and other environmental needs of public agencies such as the Washington state department of transportation, and to meet other market demands such as the availability of feed or conditions for overwintering of migratory waterfowl or for conserving and enhancing fish and wildlife habitat;

(c) Family farmers and family-owned small tree farming operations currently produce environmental benefits that would cost millions of dollars to replace with man-made infrastructure. Among these benefits are water filtration, floodwater dispersal, fish and wildlife habitat, open spaces, and scenic views;

(d) Other communities in the United States have established conservation markets in which landowners are paid to produce such restoration products; and

(e) The use of such markets could provide much needed income to sustain the viability of Washington farmers and small forest landowners, meet mitigation and compliance needs, accelerate permitting of public infrastructure, and provide environmental benefits.

(2) Therefore, the legislature finds that it is good public policy to evaluate the feasibility and potential effectiveness of conservation markets in Washington state that provide dual benefits of improving the viability of agriculture and providing environmental or fish and wildlife benefits.

NEW SECTION. Sec. 2. (1) Subject to the availability of amounts appropriated for this purpose, the commission shall conduct a study to evaluate the feasibility and desirability of establishing farm-based or forest-based conservation markets in Washington. The commission may enter into a contract with an entity that has the knowledge and experience of agriculture and of conservation markets for this effort. The commission, entity, or both shall:

(a) Evaluate other conservation markets in operation in the United States that provide ongoing revenue to improve the long-term viability of family farms and small forestry operations, including those focused on water quality trading, endangered species conservation banking, rental of environmental benefits, and wetland banking, to determine relevant lessons for Washington conservation markets;

(b) Collaborate with Washington farm organizations, small forestry landowner organizations, key farm community leaders, agricultural special purpose districts, local governments, and relevant natural resource agencies to:

(i) Determine interests, needs, and concerns about participating in a conservation market;

(ii) Assess the market-ready environmental maintenance, restoration, and enhancement products that could profitably and dependably be produced on farms and small forestry operations, including endangered species habitat, wetlands, water quality treatment, carbon sequestration, biodiversity, and other fish and wildlife habitat; and

(iii) Identify opportunities for conservation markets that could provide ongoing revenue to improve the long-term viability of family farming and small forestry operations and could supplement existing conservation programs currently used by landowners, such as the conservation reserve enhancement program, and increased use of the public benefit rating system;

(c) Work with the Washington state department of transportation, utility districts, local road departments, and other public agencies to determine potential demand for restoration products produced on farms and small forestry operations to fulfill upcoming mitigation and compliance needs. The underlying analysis shall emphasize demand associated with construction of roads,

utilities, and other public structures, as well as periodic repermitting of wastewater and other public utilities;

(d) Forecast market activity, including the potential supply of restoration products, including those produced through existing restoration programs, and the potential demand for such products to address mitigation, compliance, and other environmental needs and other market demands. This analysis shall also identify services, materials, technical assistance, financing, and other support that would facilitate the use of conservation markets;

(e) Consult with the Washington departments of ecology and fish and wildlife, the United States army corps of engineers, and local government permitting agencies to determine their willingness to use farm-produced restoration products to fulfill mitigation and compliance needs and also evaluate changes in rules and policy that would facilitate permitting of conservation market activities;

(f) Consult with the Northwest Indian fisheries commission and individual Indian tribes to determine their interest in and potential support of conservation markets;

(g) Coordinate with the department of agriculture regarding the "Future of Farming" project, the William D. Ruckelshaus Center on its activities relating to chapter 353, Laws of 2007, the office of farmland preservation and the office's efforts to retain farmland in agricultural production, the Washington biodiversity project, the department of ecology regarding its "Mitigation that Works" project, and the office of regulatory assistance on its integrated project review and mitigation project to ensure consistency with these efforts; and

(h) Develop findings and recommendations on the feasibility and desirability of creating farm-based and forest-based conservation markets in Washington state.

(2) If the study determines that farm-based conservation markets are feasible and desirable, the commission, contracting entity, or both, shall conduct two demonstration projects in Washington farm communities. The commission, entity, or both shall:

(a) Select demonstration project areas that have a combination of enthusiastic farmers, a substantial supply of potential restoration products from farms, potential for public and private cost-sharing of project costs, and upcoming development or permitting activity that is likely to trigger significant mitigation and compliance demands;

(b) Identify and map areas of highly productive agricultural activity and work with the departments of ecology and fish and wildlife to identify locations of high-priority wetland and habitat restoration or water quality improvement to ensure that conservation market-driven restoration does not infringe on highly productive farmland;

(c) Identify up to three potential credit transactions in each demonstration project area and work with relevant farmers, permittees, and permitting agencies to facilitate transactions in mitigation and compliance credits;

(d) Work with the department of ecology and other relevant permitting agencies to develop standards for approval of conservation market transactions to fulfill mitigation and compliance requirements and to identify priority areas for focusing conservation market sites based on the highest ecological benefits for the watershed and the restoration of ecosystem processes that minimize impacts to high quality agricultural lands;

(e) Work with conservation districts to determine district interest in participation in a conservation markets program, including a determination of district capacity and resources to participate in such a program;

(f) Evaluate options for facilitating conservation market transactions, including the use of farmer cooperatives, brokerage services, and banks; and

(g) Develop findings on the results of the demonstration projects and the implications for broader use of farm-based conservation markets in Washington state.

(3) As used in this act:

(a) "Commission" means the Washington state conservation commission.

(b) "Conservation market" means a farm or forest-based market for selling credits for wetland or habitat restoration or water quality cleanup to agencies in need of such credits to fulfill environmental mitigation, compliance requirements, and other environmental needs. The term shall also be broadly interpreted to include any program that provides ongoing revenue to sustain the long-term viability of farms and small forestry operations as a result of maintaining or enhancing environmental benefits such as open space, fish and wildlife habitat, floodwater dispersal, water filtration, buffers from more intense development, or any other environmental benefit resulting from the ongoing operation of the farm.

(c) "Small forest landowner" has the same meaning as in RCW 76.09.450.

(4) The commission shall present findings and recommendations from the conservation markets study to the governor and appropriate committees of the legislature by December 1, 2008. The findings and recommendations shall include:

(a) Findings regarding the match between the availability of farm-produced and forestry-produced restoration products and the demand for such products associated with mitigation and compliance for public agency projects and activities in the demonstration project area;

(b) Findings regarding the interests and capabilities of farmers, small forest landowners, public development agencies, and permitting agencies to participate in the demonstration conservation market;

(c) Findings regarding the likelihood that farm-based and forest-based conservation markets could provide a successful mechanism for addressing mitigation, compliance, and other environmental needs for public construction projects and permitting of public utilities; and

(d) Recommendations on whether to proceed to the initiation of demonstration projects.

(5) If the project proceeds into the demonstration project phase, the commission shall present findings and recommendations regarding the conservation markets' demonstration projects to the governor and appropriate committees of the legislature by December 1, 2009. The findings and recommendations shall include:

(a) Findings on the ability to produce conservation market-ready restoration and clean-up projects without infringing on high-quality farmland;

(b) Findings on standards for review and approval of conservation market transactions in permitting processes;

(c) Findings on potential conservation market transactions in the demonstration project areas;

(d) Recommendations on measures that the Washington state department of transportation and other state agencies can take to facilitate their use of conservation markets to fulfill mitigation and compliance needs and waterfowl or wildlife habitat enhancement goals;

(e) Recommendations on support services that could be provided by state agencies to facilitate conservation markets throughout Washington, including but not limited to financing, permit assistance, technical assistance, materials, and other services.

(6) This section expires December 31, 2009.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SSB 6874 Prime Sponsor, Senate Committee on Ways & Means: Regarding Columbia river water delivery. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.90 RCW to read as follows:

(1) In 2006, the legislature enacted chapter 6, Laws of 2006, an act relating to water resource management in the Columbia river basin. In its enactment, the legislature established that a key priority of water resource management in the Columbia river basin is the development of new water supplies to meet economic and community development needs concurrent with instream flow needs.

(2) Consistent with this intent, the governor and the legislature are in agreement with the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians to support additional releases of water from Lake Roosevelt. Because the sovereign and proprietary interests of these tribal governments are directly affected by water levels in Lake Roosevelt, the state intends to share a portion of the benefits derived from Lake Roosevelt water releases and to mitigate for any impacts such releases may have upon the tribes.

(3) These new releases of Lake Roosevelt water of approximately eighty-two thousand five hundred acre feet of water, increasing to no more than one hundred thirty-two thousand five hundred acre feet of water in drought years, will bolster the state economy and will meet the following critical needs: New surface water supplies for farmers to replace the use of diminishing groundwater in the Odessa aquifer; new water supplies for municipalities with pending water right applications; enhanced certainty for agricultural water users with water rights that are interruptible during times of drought; and water to increase flows in the river when salmon need it most.

(4) Nothing in chapter . . . , Laws of 2008 (this act) expands, impairs, or otherwise affects the existing status and sovereignty of the

tribal governments involved in Lake Roosevelt water releases pursuant to this section and section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 90.90 RCW to read as follows:

(1) The Columbia river water delivery account is created in the state treasury. Moneys in the account may be spent only after appropriation. The account consists of all moneys transferred or appropriated to the account by law. The legislature may appropriate moneys in the account:

(a) For distributions for purposes of section 1 of this act as provided in this section; and

(b) To the department of ecology for other purposes relating to implementation of sections 1 and 3 of this act.

(2) On July 1, 2008, and each July 1st thereafter for the duration of the agreements described in section 1 of this act, the state treasurer shall transfer moneys from the general fund into the Columbia river water delivery account in the amounts described in subsection (3) of this section.

(3) Subject to appropriations, on July 1, 2008, and each July 1st thereafter, the state treasurer shall distribute moneys from the Columbia river water delivery account as follows:

(a) To the Confederated Tribes of the Colville Reservation, on July 1, 2008, the sum of three million seven hundred seventy-five thousand dollars; and on July 1, 2009, the sum of three million six hundred twenty-five thousand dollars. Each July 1st thereafter for the duration of the agreement, the treasurer shall distribute an amount equal to the previous year's distribution adjusted for inflation. The inflation adjustment shall be computed using the percentage change on the implicit price deflator for personal consumption expenditures for the United States for the previous calendar year, as compiled by the bureau of economic analysis of the United States department of commerce and reported in the most recent quarterly publication of the economic and revenue forecast council or successor agency.

(b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of two million two hundred fifty thousand dollars. Each July 1st thereafter for the duration of the agreement, the treasurer shall distribute an amount equal to the previous year's distribution adjusted for inflation. The inflation adjustment shall be computed using the percentage change in the consumer price index for the Washington state Seattle-Tacoma-Bremerton consolidated metropolitan statistical area for the previous calendar year as compiled by the bureau of labor statistics, United States department of labor, and reported in the most recent quarterly publication of the economic and revenue forecast council or successor agency.

(4) The state treasurer may not distribute moneys from the Columbia river water delivery account to a tribe pursuant to this section unless the director of ecology has certified in writing to the state treasurer and the legislature that the agreement with the tribes is still in effect.

NEW SECTION. Sec. 3. A new section is added to chapter 90.90 RCW to read as follows:

(1) Because the potential impacts of water releases under agreements reached under this chapter on affected counties are unknown, the department of ecology shall, by November 15, 2009:

(a) Conduct an assessment of the potential impacts, including recommendations for mitigation, and report to appropriate committees of the legislature; and

(b) Establish a process for identifying and reporting on future impacts on the affected counties, and for making recommendations for mitigation.

(2) Within the framework of Columbia river basin water resources management under this chapter, the department of ecology shall:

(a) Provide technical assistance to help affected counties identify and develop competitive project applications to benefit both instream and out-of-stream uses;

(b) Assist affected counties in exploring all feasible options, including policy options, to protect and preserve local access to water resources, including pursuing a memorandum of understanding with the affected counties that is consistent with RCW 90.90.005 to effectuate the purposes of this section. The memorandum of understanding shall be available for public comment for a period of thirty days before being signed by the department; and

(c) Consider regional equity when making funding decisions on water supply applications.

(3) As used in this section, "affected counties" means those counties east of the crest of the Cascade mountains with an international border, or those counties east of the crest of the Cascade mountains that border both a county with an international border and a county with four hundred thousand or more residents.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2008.

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, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; Morrell; Pettigrew; Priest; Schmick; Schual-Berke; Seaquist and Sullivan.

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

Passed to Committee on Rules for second reading.

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 3, 2008

HB 3380 Prime Sponsor, Representative Hunter: Relating to financing options for housing and arts, heritage, cultural, and community development programs. 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; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

February 29, 2008

ESSB 5010 Prime Sponsor, Senate Committee on Ways & Means: Creating a state park foster home pass. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

On page 4, after line 32, insert the following:

"NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Alexander; Blake; Chandler; Kretz; Lantz; Liias; Miloscia; Morris and Nelson.

Passed to Committee on Rules for second reading.

February 29, 2008

2ESSB 5100 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Regarding health insurance information for students. Reported by Committee on Appropriations Subcommittee on Education

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Barlow; Haler; Herrera; Hunter; Jarrett; Kagi; Kenney; Ormsby; Quall; Seaquist; Springer and Wallace.

Passed to Committee on Rules for second reading.

February 29, 2008

2SSB 5642 Prime Sponsor, Senate Committee on Ways & Means: Addressing cigarette ignition propensity. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

On page 12, after line 19, insert the following:

"NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Alexander; Blake; Chandler; Kretz; Lantz; Liias; Miloscia; Morris and Nelson.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SSB 6111 Prime Sponsor, Senate Committee on Ways & Means: Creating a wave and tidal energy work group. (REVISED FOR ENGROSSED: Concerning generating electricity from tidal and wave energy.) Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Beginning on page 2, line 32, strike all of sections 2 through 4

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

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

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6195 Prime Sponsor, Senate Committee on Economic Development, Trade & Management: Modifying the definition of rural county for economic development purposes. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

On page 7, after line 17, insert the following:

"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, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

On page 7, after line 17, insert the following:

"NEW SECTION. Sec. 5. This act takes effect July 1, 2009."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Alexander; Blake; Chandler; Kretz; Lantz; Liias; Miloscia; Morris and Nelson.

Passed to Committee on Rules for second reading.

February 29, 2008

2SSB 6227 Prime Sponsor, Senate Committee on Ways & Means: Providing support and resources to outer coast marine resources committees. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

On page 3, after line 28, insert the following:

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

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Alexander; Blake; Chandler; Kretz; Lantz; Liias; Miloscia; Morris and Nelson.

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6231 Prime Sponsor, Senate Committee on Ways & Means: Improving the coordination of marine protected areas. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

On page 3, after line 15, insert the following:

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

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Alexander; Blake; Chandler; Kretz; Lantz; Liias; Miloscia; Morris and Nelson.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6277 Prime Sponsor, Senate Committee on Transportation: Providing for the accommodation of certain private transit providers at park and ride lots. 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 47.04 RCW to read as follows:

(1) Any local transit agency that has received state funding for a park and ride lot shall make reasonable accommodation for use of that lot by auto transportation companies regulated under chapter 81.68 RCW and private, nonprofit transportation providers regulated under chapter 81.66 RCW, that intend to provide or already provide regularly scheduled service at that lot. The accommodation must be in the form of an agreement between the applicable local transit agency and private transit provider regulated under chapter 81.68 or 81.66 RCW. The transit agency may require that the agreement include provisions to recover costs and fair market value for the use of the lot and its related facilities and to provide adequate insurance and indemnification of the transit agency, and other reasonable provisions to ensure that the private transit provider's use does not unduly burden the transit agency. No accommodation is required, and any agreement may be terminated, if the transit agency determines that the use or capacity of the lot for public transportation purposes is or becomes incompatible with the demands of the private transit provider.

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

Correct the title.

Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Simpson; Smith; Springer; Takko; Upthegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6307 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Regarding marine managed areas. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that many state agencies and local governments administer marine protected areas, preserves, conservation areas, and other similar geographically based area designations that are a valuable means to protect and enhance Puget Sound's marine resources. The legislature further finds that climate change impacts and increased population and development in the Puget Sound basin will place further stresses upon sustaining the biological diversity and ecosystem health of Puget Sound.

(2) It is the intent of the legislature that state and local actions intended to protect, conserve, and manage marine life and resources be conducted in a coordinated manner, use the best available science, consider the projected impacts on Puget Sound's marine areas from climate change, and contribute to the recovery of the Puget Sound's environmental health by 2020.

(3) It is the purpose of this act to:

(a) Create a strategic network of marine managed areas that contribute to conserving the biological diversity and ecosystem health of Puget Sound and that maximizes the effectiveness of the role of marine managed areas in achieving the recovery of Puget Sound's health by 2020;

(b) Strengthen the coordination of marine managed areas among multiple state agencies and local governments and align these efforts with the work of the Puget Sound partnership to recover the Puget Sound's health by 2020;

(c) Provide for management and designation of marine managed areas programs on an ecosystem basis and incorporate the best available scientific information into these programs;

(d) Adopt a plan that builds a comprehensive system of marine managed areas, adopts goals and benchmarks for maintaining the diversity of marine life and resources in Puget Sound, and is based upon anticipated threats and stressors such as climate change impacts;

(e) Recognize the interrelationship of the marine ecosystem throughout the Pacific Northwest, and the multiple entities, including local, state, provincial, and federal governments, as well as tribal governments and first nations, that are involved in managing marine managed areas; and

(f) Adopt codified criteria and procedures applicable to the aquatic reserve program on state-owned aquatic lands.

Sec. 2. RCW 90.71.010 and 2007 c 341 s 2 are each amended to read as follows:

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

(1) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in RCW 90.71.300 and 90.71.310.

(2) "Action area" means the geographic areas delineated as provided in RCW 90.71.260.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under RCW 90.71.310.

(8) "Marine managed area" means a named, discrete geographic marine or estuarine area designated by statute, ordinance, resolution, or administrative action, whose designation is intended to protect, conserve, or otherwise manage the marine life and resources within the area.

(9) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photic zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

~~((9))~~ (10) "Panel" means the Puget Sound science panel.

~~((10))~~ (11) "Partnership" means the Puget Sound partnership.

~~((11))~~ (12) "Plan" means the Puget Sound marine managed areas plan developed under section 3 of this act.

(13) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on July 1, 2007.

~~((12))~~ (14) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in RCW 90.71.340, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

~~((13))~~ (15) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine ~~((resource[s]))~~ resources committees including those working with the Northwest straits commission, nearshore groups, and watershed lead entities.

~~((14))~~ (16) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

NEW SECTION. Sec. 3. A new section is added to chapter 90.71 RCW to read as follows:

(1) The partnership shall prepare a Puget Sound marine managed areas plan to coordinate and strengthen all of the marine managed areas programs managed by state agencies and local governments.

(2) The chair of the council shall designate a work group to prepare the plan. The work group shall include one or more members of the Puget Sound science panel, one of whom must chair the work group. The work group must include, but not be limited to, state agencies and local governments with regulatory jurisdiction over or that manage marine managed areas including, but not limited to, the

department of natural resources, the department of fish and wildlife, the parks and recreation commission, and the department of ecology. The work group shall also include the state biodiversity council, created by executive order 04-02, or the biodiversity council's successor entity. The chair of the council shall also invite representatives of tribal governments, federal agencies, cities, counties, and nongovernmental organizations that have designated or have significant interests in the management of Puget Sound marine managed areas. The chair of the council may also invite representatives from other states and provinces and first nation and tribal governments with interests in marine managed areas in the Pacific Northwest to participate on the work group as observers.

(3) The plan must include, but not be limited to:

(a) Guidelines for identifying key species of concern, threats to these species, and threshold levels of protected habitat needed to recover these species and Puget Sound as a whole to health by 2020;

(b) Guidelines for incorporating the best available scientific information when designating and managing marine managed areas;

(c) Guidelines for managing areas on an ecosystem basis and for coordinating multiple programs and areas within the same biogeographical regions to achieve ecosystem-based management;

(d) Benchmarks to measure progress toward the recovery of species and protected habitat;

(e) Recommendations for adequate levels of funding for the designation, long-term management, and monitoring of the marine managed areas in the network;

(f) Strategies to address the projected impacts to marine managed areas from population growth, existing and proposed upland and aquatic lands development, and storm water discharges to Puget Sound;

(g) Strategies to prepare for and manage the impacts of climate change, including impacts due to sea level changes, salinity changes, water temperature, increased acidification, and changes in frequency and intensity of precipitation events affecting storm water discharges to marine waters;

(h) An adaptive management component in which new information on the progress of implementing management goals for the individual marine managed areas and overall goals for all such areas, the contribution these areas are making toward the goals of recovering the health of Puget Sound by 2020, and climate change impacts may be considered and integrated into the designation and management of marine managed areas; and

(i) Methodologies for synthesizing monitoring results with programmatic goals to inform decision making on subsequent designation and marine managed areas strategies and any necessary changes in implementation strategies to increase the effectiveness of the marine managed areas program in achieving the goal of recovering the Puget Sound's health by 2020.

(4) The plan must also include comprehensive objectives for coordinating existing marine managed areas and designating additional areas to achieve a network of marine managed areas contributing to long-term conservation of important biota and marine ecosystems and recovery of Puget Sound by 2020. In developing the objectives the work group shall rely primarily upon existing plans and objectives relating to conservation of marine life in Puget Sound, and the program plans prepared by state agencies and local governments administering marine managed areas programs. The plan must also consider activities and uses within or adjacent to marine managed areas that are allowed under existing leases of state-owned aquatic lands issued under chapter 79.105 RCW.

(5) The plan must be completed by July 1, 2010, and submitted to the council for its review and approval. The plan must be

incorporated into the Puget Sound action agenda adopted under RCW 90.71.310. The council shall provide for public review and comment on the plan in a manner comparable to the other provisions of the Puget Sound action agenda. The council may, with the assistance of the work group, amend the plan from time to time using public review and comment procedures comparable to those that apply when other elements of the Puget Sound action agenda are revised.

Sec. 4. RCW 79.105.210 and 2005 c 155 s 143 are each amended to read as follows:

(1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in state-owned aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values. When withdrawing lands from leasing for the purposes of managing an aquatic reserve, the department shall be guided by the procedures and criteria of section 5 of this act.

(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.105 through 79.140 RCW.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

NEW SECTION. Sec. 5. A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

(1) The aquatic reserve system is established. The aquatic reserve system is comprised of those areas of state-owned aquatic lands designated by the department prior to the effective date of this section and any areas added to the system by order of the commissioner thereafter.

(2) State-owned aquatic lands that have one or more of the following characteristics may be included by order of the commissioner in the system as an aquatic reserve:

(a) The lands have been identified as having high priority for conservation, natural systems, wildlife, or low-impact public use values;

(b) The lands have flora, fauna, geological, recreational, archaeological, cultural, scenic, or similar features of critical importance and have retained to some degree or reestablished its natural character;

(c) The lands provide significant examples of native ecological communities;

(d) The lands have significant sites or features threatened with conversion to incompatible uses; and

(e) The lands have been identified by the Puget Sound science panel created in RCW 90.71.270 as critical to achieving recovery of Puget Sound by 2020.

(3)(a) The commissioner shall adopt procedures for submission of reserve nominations and for public participation in the review of proposed reserves.

(b) If, consistent with the best available scientific information, a reserve no longer meets the goals and objectives for which it was designated, and adaptive management has not been successful to meet the goals and objectives, the commissioner may by order modify the reserve boundaries or remove the area from reserve status. The commissioner shall provide public participation procedures for the proposals.

(4) In the designation and management of reserves within Puget Sound, as geographically defined in RCW 90.71.010, the commissioner shall be guided by the marine managed areas plan adopted under section 3 of this act. Within twenty-four months of the adoption of the marine managed areas plan under section 3 of this act, the department shall complete a review of existing management plans and pending reserve nominations for consistency with the guidelines and recommendations in the marine managed areas plan. The commissioner shall accord substantial weight to any recommendations provided by the Puget Sound partnership regarding the designation and management of reserves within Puget Sound.

(5) Where the commissioner determines that management of the taking of fish, shellfish, or wildlife within or adjacent to the reserve would enhance the objectives for which the reserve has been created, the commissioner shall request that the fish and wildlife commission act pursuant to section 6 of this act to adopt supporting rules.

(6) The aquatic reserve system must be coordinated with other marine managed areas and related regulatory programs. The department shall cooperate with other state agencies and local governments to manage state-owned aquatic lands consistently with the management of uses and activities in the same geographic areas by state parks, the department of fish and wildlife, the department of ecology, and other state agencies. The department shall also provide recommendations to local governments in updating their shoreline master programs and in sponsoring local marine park reserves or voluntary stewardship areas to seek consistent planning and management activities in areas adjacent to designated reserves.

(7) State agencies with authority over construction activities or water discharges in state waters or that otherwise implement programs that affect a designated reserve shall give special consideration to increasing protection and reducing and preventing pollution of these areas, consistent with the management objectives of the reserve.

NEW SECTION. Sec. 6. A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission may adopt rules governing the taking of fish, shellfish, or wildlife within or adjacent to a designated aquatic reserve, or other marine managed areas. The commission shall give consideration within sixty days to any rule changes requested by the commissioner of public lands to support the purposes of an aquatic reserve designated by the department of natural resources under section 5 of this act.

(2) This section is in addition to and does not limit the commission's authority to establish rules governing the taking of fish, shellfish, or wildlife under any other authority.

NEW SECTION. Sec. 7. The Puget Sound partnership shall provide the plan required by section 3 of this act to the appropriate committees of the legislature by December 1, 2010, together with its recommendations for further policy legislation and budget recommendations to enhance Puget Sound marine managed areas programs.

Sec. 8. RCW 90.71.300 and 2007 c 341 s 12 are each amended to read as follows:

(1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, ~~((and))~~ identification of responsible entities, and the marine managed areas plan adopted under section 3 of this act. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, nearshore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

Sec. 9. RCW 36.125.030 and 2007 c 344 s 4 are each amended to read as follows:

(1) The Puget Sound ~~((action team, or its successor organization,))~~ partnership shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide.

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, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Blake; Lantz; Miloscia; Morris; Nelson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Alexander; Chandler and Kretz.

Passed to Committee on Rules for second reading.

March 3, 2008

SB 6332 Prime Sponsor, Senator Kauffman: Increasing the debt limit of the housing finance commission. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Appleton; Blake; Chase; Dunshee; Flannigan; Hankins; Kelley; Orcutt; Pearson; Pedersen; Sells; Skinner; Smith and Upthegrove.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6341 Prime Sponsor, Senate Committee on Consumer Protection & Housing: Concerning electronic data recorders 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) "Electronic data recorder" means a device or function in a vehicle that records the vehicle's dynamic, time-series data during the

period just prior to a crash event or during a crash event, intended for retrieval after the crash event, or a device or function in a vehicle that has the ability to transmit information concerning a collision that involves the motor vehicle to a central communications system or other external device when the collision occurs. For the purposes of this definition, the event data do not include audio and video data.

(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 an electronic data recorder to investigate a collision, the owner of the vehicle at the time the collision occurred.

NEW SECTION. Sec. 2. (1) A manufacturer of a new motor vehicle that is sold or leased in this state and is equipped with an electronic data recorder shall provide such information to the owner as is required by 49 C.F.R. Sec. 563.11, as in effect on January 1, 2008. If the electronic data recorder has the ability to transmit information concerning a collision that involves the motor vehicle to a central communications system or other external device when a collision occurs, the manufacturer shall also provide such information to the owner.

(2) If an electronic data recorder 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.

NEW SECTION. Sec. 3. (1) Information recorded or transmitted by an electronic data recorder may not be retrieved, downloaded, 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;

(b) With the consent of the owner for any purpose, including diagnosing, servicing, or repairing the motor vehicle;

(c) For improving motor vehicle safety, including medical research on the human body's reaction to motor vehicle collisions, if the identity of 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.

(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) Any person who violates this section is guilty of a misdemeanor.

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 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. 5. A new section is added to chapter 48.30 RCW to read as follows:

(1) An insurer shall not refuse to renew 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 an electronic data recorder, 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 an electronic data recorder 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 an electronic data recorder as defined in section 1 of this act.

Sec. 6. RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005 c 183 s 10 are each reenacted and 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 for persons with disabilities;

(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 or temporary restricted 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 ~~((assisting another person to start a vehicle equipped with))~~ 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;

~~((24))~~ (25) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((25))~~ (26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((26))~~ (27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((27))~~ (28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((28))~~ (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;

~~((29))~~ (30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((30))~~ (31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((31))~~ (32) RCW 46.55.300 relating to immobilizing a vehicle by a person who is not the property owner;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

~~((32))~~ (34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((33))~~ (35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((34))~~ (36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((35))~~ (37) RCW 46.61.500 relating to reckless driving;

~~((36))~~ (38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((37))~~ (39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((38))~~ (40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((39))~~ (41) RCW 46.61.522 relating to vehicular assault;

~~((40))~~ (42) RCW 46.61.5249 relating to first degree negligent driving;

~~((41))~~ (43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((42))~~ (44) RCW 46.61.530 relating to racing of vehicles on highways;

~~((43))~~ (45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~((44))~~ (46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((45))~~ (47) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((46) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;~~

~~((47))~~ (48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((48))~~ (49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((49))~~ (50) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((50))~~ (51) RCW 46.68.010 relating to false statements made to obtain a refund;

~~((51))~~ (52) Section 3 of this act relating to electronic data recorder 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;

~~((52))~~ (54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((53))~~ (55) RCW 46.72A.060 relating to limousine carrier insurance;

~~((54))~~ (56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((55))~~ (57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((56))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((57))~~ (59) Chapter 46.82 RCW relating to driver's training schools;

~~((58))~~ (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;

~~((59))~~ (61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 8. This act takes effect July 1, 2009."

Correct the title.

Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Appleton; Armstrong; Campbell; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Simpson; Smith; Springer; Takko; Uptegrove; Wallace; Warnick; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 3, 2008

SB 6375 Prime Sponsor, Senator Hatfield: Providing a sales tax exemption for certain trail grooming services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair;

Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6395 Prime Sponsor, Senate Committee on Natural Resources, Ocean & Recreation: Protecting orca whales from the impacts from vessels. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the resident population of orca whales in Washington waters (*Orcinus orca*), commonly referred to as the southern residents, are enormously significant to the state. These highly social, intelligent, and playful marine mammals, which the legislature designated as the official marine mammal of the state of Washington, serve as a symbol of the Pacific Northwest and illustrate the biological diversity and rich natural heritage that all Washington citizens and its visitors enjoy.

However, the legislature also finds that the southern resident orcas are currently in a serious decline. Southern residents experienced an almost twenty percent decline between 1996 and 2001. The federal government listed this orca population as depleted in 2003, and as an endangered species in 2005. The federal government has identified impacts from vessels as a potential threat to these marine mammals.

In 2006, after listing the southern resident orcas as endangered, the federal government designated critical orca habitat and released a proposed recovery plan for the southern resident orcas. The federal government has initiated the process to adopt orca conservation rules, but this process may be lengthy. Additionally, although existing whale and wildlife viewing guidelines are an excellent educational resource, these guidelines are voluntary measures that cannot be enforced.

Therefore, the legislature intends to protect southern resident orca whales from impacts from vessels, and to educate the public on how to reduce the risk of disturbing these important marine mammals.

NEW SECTION. Sec. 2. A new section is added to chapter 77.15 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to:

(a) Approach, by any means, within three hundred feet of a southern resident orca whale (*Orcinus orca*);

(b) Cause a vessel or other object to approach within three hundred feet of a southern resident orca whale;

(c) Intercept a southern resident orca whale. A person intercepts a southern resident orca whale when that person places a vessel or allows a vessel to remain in the path of a whale and the whale approaches within three hundred feet of that vessel;

(d) Fail to disengage the transmission of a vessel that is within three hundred feet of a southern resident orca whale, for which the vessel operator is strictly liable; or

(e) Feed a southern resident orca whale, for which any person feeding a southern resident orca whale is strictly liable.

(2) A person is exempt from subsection (1) of this section where:

(a) A reasonably prudent person in that person's position would determine that compliance with the requirements of subsection (1) of this section will threaten the safety of the vessel, the vessel's crew or passengers, or is not feasible due to vessel design limitations, or because the vessel is restricted in its ability to maneuver due to wind, current, tide, or weather;

(b) That person is lawfully participating in a commercial fishery and is engaged in actively setting, retrieving, or closely tending commercial fishing gear;

(c) That person is acting in the course of official duty for a state, federal, tribal, or local government agency; or

(d) That person is acting pursuant to and consistent with authorization from a state or federal government agency.

(3) It is an affirmative defense to a violation of subsection (1)(a), (b), and (c) of this section if the defendant can prove by a preponderance of the evidence that he or she did not knowingly approach or cause a vessel to approach within three hundred feet of a southern resident orca whale.

(4) Nothing in this section is intended to conflict with existing rules regarding safe operation of a vessel or vessel navigation rules.

(5) For the purpose of this section, "vessel" includes aircraft, canoes, fishing vessels, kayaks, personal watercraft, rafts, recreational vessels, tour boats, whale watching boats, vessels engaged in whale watching activities, or other small craft including power boats and sail boats.

(6) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW.

NEW SECTION. Sec. 3. The legislature encourages the state's law enforcement agencies to utilize existing statutes and regulations to protect southern resident orca whales from impacts from vessels, including the vessel operation and enforcement standards contained in chapter 79A.60 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

The department and the state parks and recreation commission shall disseminate information about section 2 of this act, whale and wildlife viewing guidelines, and other responsible wildlife viewing messages to educate Washington's citizens on how to reduce the risk of disturbing southern resident orca whales. The department and the state parks and recreation commission must, at minimum, disseminate this information on their internet sites and through appropriate agency publications, brochures, and other information sources. The department and the state parks and recreation commission shall also attempt to reach the state's boating community by coordinating with appropriate state and nongovernmental entities to provide this information at marinas, boat shows, boat dealers, during boating safety training courses, and in conjunction with vessel registration or licensing.

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, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Blake; Lantz; Liias; Miloscia; Morris and Nelson.

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

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6423 Prime Sponsor, Senate Committee on Ways & Means: Strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SSB 6438 Prime Sponsor, Senate Committee on Ways & Means: Creating a statewide high-speed internet deployment and adoption initiative. (REVISED FOR ENGROSSED: Coordinating the development of a statewide high-speed internet deployment and adoption initiative.) Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds and declares the following:

(a) The deployment and adoption of high-speed internet services and information technology has resulted in enhanced economic development and public safety for the state's communities, improved health care and educational opportunities, and a better quality of life for the state's residents;

(b) Continued progress in the deployment and adoption of high-speed internet services and other advanced telecommunications services, both land-based and wireless, is vital to ensuring Washington remains competitive and continues to create business and job growth; and

(c) That the state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed

internet services and information technology for state residents and businesses, and do so through formalized and structured arrangements that ensure the protection of proprietary information maintained by telecommunications providers and internet service providers.

(2) Therefore, the legislature resolves that it will create a comprehensive, statewide high-speed internet deployment and adoption strategy to improve technology literacy, improve access to affordable and reliable high-speed internet services, and to establish and sustain an environment ripe for telecommunications and technology investment statewide.

NEW SECTION. Sec. 2. (1) After the broadband study authorized by the legislature in 2007 has been completed, the department of information services, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, shall convene a work group to develop a high-speed internet deployment and adoption strategy for the state.

(2) The department of information services shall invite representatives from the following organizations to participate in the work group:

(a) Representatives of public, private, and nonprofit agencies and organizations representing economic development, local community development, local government, community planning, technology planning, education, and health care;

(b) Representatives of telecommunications providers, technology companies, telecommunications unions, public utilities, and relevant private sector entities;

(c) Representatives of community-based organizations; and

(d) Representatives of other relevant entities as the department of information services may deem appropriate.

(3) In developing the high-speed internet deployment and adoption strategy, the department of information services shall consider the following:

(a) How to create a detailed, geographic information system map at the census block level of the high-speed internet services and other relevant telecommunications and information technology services owned or leased by public entities in the state. Development of this geographic information system map may include collaboration with students and faculty at community colleges and universities in the state. The statewide inventory must, at a minimum, detail:

(i) The physical location of all high-speed internet infrastructure owned or leased by public entities;

(ii) The amount of excess capacity available; and

(iii) Whether the high-speed internet infrastructure is active or inactive;

(b) How to work with telecommunications providers and internet service providers to assess and create a geographic information system map at the census block level of the privately owned high-speed internet infrastructure in the state, with instructions on how proprietary and competitively sensitive data will be handled, stored, and used;

(c) How to combine the geographic information system map of high-speed internet infrastructure owned by public entities with the geographic information system map of high-speed internet infrastructure owned by private entities to create a statewide inventory of all high-speed internet infrastructure in the state;

(d) How to use the geographic information system map of all high-speed internet infrastructure in the state, both public and privately owned, to identify the geographic gaps in high-speed

internet service, including an assessment of the population located in each of the geographic gaps;

(e) How the state might create or utilize a nonprofit organization to spur the development of high-speed internet resources in the state, which may include, but is not limited to, soliciting funding in the form of grants or donations; establishing technology literacy programs in conjunction with institutions of higher education; establishing low-cost hardware and software purchasing programs; and developing loan programs targeting small businesses or businesses located in underserved areas;

(f) How to track statewide residential and business adoption of high-speed internet, computers, and related information technology, including an identification of barriers to adoption;

(g) How to effectively build and facilitate local technology planning teams and partnerships led by local economic development organizations with members representing cross-sections of the community, which may include participation from the following organizations: Representatives of business, telecommunications unions, K-12 education, community colleges, health care, libraries, universities, community-based organizations, local governments, tourism, parks and recreation, and agriculture;

(h) How to use the local technology planning teams and partnerships led by local economic development organizations to:

(i) Conduct a needs assessment;

(ii) Determine the appropriate type of technology needed to implement high-speed internet services in the area;

(iii) Determine the hardware and software needed; and

(iv) Write a request for proposals to meet the community's needs;

(i) How to work collaboratively with high-speed internet providers and technology companies across the state to encourage deployment and use, especially in unserved areas, through use of local demand aggregation, mapping analysis, and creation of market intelligence to improve the investment rationale and business case; and

(j) How to establish low-cost programs to improve computer ownership, technology literacy, and high-speed internet access for disenfranchised or unserved populations across the state.

(4) By September 1, 2008, the department of information services shall provide a status update to the telecommunications committees in the house of representatives and the senate, outlining the progress made to date by the work group and the issues remaining to be considered.

(5) By December 1, 2008, the department of information services shall provide a report to the fiscal and telecommunications committees in the house of representatives and the senate. The main objective of the report is to outline, based on the efforts of the work group, what legislation is needed in order to implement the high-speed internet deployment and adoption strategy, including a range of potential funding requests to accompany the legislation. Specifically, the report shall include the following:

(a) Benchmarks, performance measures, milestones, deliverables, timelines, and such other indicators of performance and progress as are necessary to guide development and implementation of the high-speed internet deployment and adoption strategy, both short term and long term, including an assessment of the amount of funding needed to accomplish a baseline assessment of the high-speed internet infrastructure owned by public and private entities of the state in an eighteen-month period;

(b) Ways to structure and appropriately scale and phase development and implementation of the high-speed internet deployment and adoption strategy so as to link to, leverage, and

otherwise synchronize with other relevant and related funding, technology, capital initiatives, investments, and opportunities; and

(c) A range of implementation options that would address the handling, storage, and use of proprietary and competitively sensitive data submitted by telecommunications or internet service providers, with consideration given to the potential of creating or utilizing an independent, nonprofit organization that would be charged with implementing the high-speed internet deployment and adoption strategy.

NEW SECTION. Sec. 3. A new section is added to chapter 43.105 RCW to read as follows:

(1) By January 1, 2009, the department, in consultation with the utilities and transportation commission and other relevant agencies, shall identify and make publicly available a web directory of public facilities that provide community technology programs throughout the state.

(2) For the purposes of this section, "community technology program," also known as a digital inclusion program, means a program engaged in diffusing information and communications technology in local communities, particularly in unserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software ownership, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

NEW SECTION. Sec. 4. Nothing in this act may be construed as giving the department of information services or any other entities any additional authority, regulatory or otherwise, over providers of telecommunications and information technology.

NEW SECTION. Sec. 5. After the high-speed internet deployment and adoption strategy is complete, the department of information services shall submit a request for proposals to implement the objectives set forth in this act.

NEW SECTION. Sec. 6. If sections 1 through 4 of this act become null and void, the department of information services shall include high-speed internet adoption and deployment in its 2009-2011 strategic plan.

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 1 through 4 of this act, referencing sections 1 through 4 of this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 4 of this act are null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Blake; Kretz; Lantz; Liias; Miloscia; Morris and Nelson.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Chandler.

Passed to Committee on Rules for second reading.

March 3, 2008

2SSB 6468 Prime Sponsor, Senate Committee on Ways & Means: Concerning the taxation of honey beekeepers. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 6, strike all of sections 1 through 3 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that recent occurrences of colony collapse disorder and the resulting loss of bee hives will have an economic impact on the state's agricultural sector. The legislature intends to provide temporary business and occupation tax relief for Washington's apiarists.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts derived from the wholesale sale of honey bee products by an eligible apiarist who owns or keeps bee colonies and who does not qualify for an exemption under RCW 82.04.330 in respect to such sales.

(2) The exemption provided in subsection (1) of this section does not apply to any person selling such products at retail or to any person selling manufactured substances or articles.

(3) The definitions in this subsection apply to this section.

(a) "Bee colony" means a natural group of honey bees containing seven thousand or more workers and one or more queens, housed in a man-made hive with movable frames, and operated as a beekeeping unit.

(b) "Eligible apiarist" means a person who owns or keeps one or more bee colonies and who grows, raises, or produces honey bee products for sale at wholesale and is registered under RCW 15.60.021.

(c) "Honey bee products" means queen honey bees, packaged honey bees, honey, pollen, bees wax, propolis, or other substances obtained from honey bees. "Honey bee products" does not include manufactured substances or articles."

Re-number the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 4, line 8, after "in" strike "RCW 82.08.865" and insert "section 2 of this act"

On page 4, line 15, after "in" strike "RCW 82.08.865" and insert "section 2 of this act"

On page 4, line 22, after "in" strike "RCW 82.08.865" and insert "section 2 of this act"

On page 4, after line 26, insert the following:

"NEW SECTION. Sec. 8. This act expires July 1, 2013."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6508 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Authorizing the creation of beach management districts. Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Blake; Lantz; Miloscia; Morris; Nelson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Alexander; Chandler and Kretz.

Passed to Committee on Rules for second reading.

March 3, 2008

ESSB 6532 Prime Sponsor, Senate Committee on Natural Resources, Ocean & Recreation: Allowing certain cities to enter into no-fee lease agreements to use state-owned aquatic lands to operate a public marina. (REVISED FOR ENGROSSED: Authorizing certain cities to enter into lease agreements to use state-owned aquatic lands to operate a publicly owned marina.) Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Appleton; Blake; Chase; Dunshee; Flannigan; Hankins; Kelley; Orcutt; Pearson; Pedersen; Sells; Skinner; Smith and Uptegrove.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6569 Prime Sponsor, Senate Committee on Transportation: Permitting public transit vehicle stops at unmarked stop zones under certain circumstances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.560 and 1991 c 319 s 408 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions. However, public transportation service providers, including private, nonprofit transportation providers regulated under chapter 81.66 RCW, may allow the driver of a transit vehicle to stop upon the roadway momentarily to receive or discharge passengers at an unmarked stop zone only under the following circumstances: (a) The driver activates four-way flashing lights; (b) the driver stops at a portion of the state highway where the posted speed limit is forty miles per hour or less; and (c) the driver stops at a portion of the highway that the driver has determined has an unobstructed view, for an adequate distance so as to not create a hazard, for other drivers who might approach from the same direction.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW (~~36.58.030~~ ~~{36.58.040}~~) 36.58.040."

Correct the title.

Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Appleton; Armstrong; Campbell; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne; Rolfes; Sells; Simpson; Smith; Springer; Takko; Uptegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

February 28, 2008

SSB 6602 Prime Sponsor, Senate Committee on Transportation: Modifying pilotage act and related provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton; Dickerson; Eddy; Herrera; Hudgins; Jarrett; Kristiansen; Loomis; Rodne;

Rolfes; Sells; Simpson; Smith; Springer; Takko; Uptegrove; Wallace; Warnick; Williams and Wood.

Passed to Committee on Rules for second reading.

March 3, 2008

2SSB 6626 Prime Sponsor, Senate Committee on Ways & Means: Creating a sales and use tax deferral program for eligible investment projects in community empowerment zones. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 2, after line 35, insert the following:

"(8) "Operationally complete" means a date no later than one year from the date the project is issued an occupancy permit by the local permit issuing authority."

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

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2008

SB 6638 Prime Sponsor, Senator Murray: Reallocating existing lodging taxes for heritage and arts programs in a county with a population of one million or more. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

February 29, 2008

SSB 6743 Prime Sponsor, Senate Committee on Early Learning & K-12 Education: Regarding training and guidelines for teachers of students with autism. Reported by Committee on Appropriations Subcommittee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, the department of health, and the department of social and health services shall make available through agency web sites and other methods the autism manual for families and districts as developed by the caring for Washington individuals with autism task force. The autism manual shall include, but not be limited to, the following guidelines to address the unique needs of students with autism:

(a) Extended educational programming, including extended day and extended school year services, that consider the duration of programs and settings based on an assessment of behavior, social skills, communication, academics, and self-help skills;

(b) Daily schedules reflecting minimal unstructured time and active engagement in learning activities, including lunch, snack, and recess, and providing flexibility within routines that are adaptable to individual skill levels and assist with schedule changes, such as field trips, substitute teachers, and pep rallies;

(c) In-home and community-based training or a viable alternative that assists the student with acquisition of social and behavioral skills, including strategies that facilitate maintenance and generalization of those skills from home to school, school to home, home to community, and school to community;

(d) Positive behavior support strategies based on information, such as:

(i) Antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and

(ii) A behavior intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings;

(e) Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;

(f) Parent and family training and support, provided by qualified personnel with experience in autism spectrum disorder, that:

(i) Provides a family with skills necessary for a child to succeed in the home and community setting;

(ii) Includes information regarding resources such as parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching and management techniques related to the child's curriculum; and

(iii) Facilitates parental carryover of in-home training and includes strategies for behavior management and developing structured home environments and communication training so that parents are active participants in promoting the continuity of interventions across all settings;

(g) A suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social and behavioral progress based on the child's developmental and learning level, including acquisition, fluency, maintenance, and generalization, that encourages work towards individual independence as determined by:

(i) Adaptive behavior evaluation results;

(ii) Behavioral accommodation needs across settings; and

(iii) Transitions within the school day;

(h) Communication interventions, including language forms and functions that enhance effective communication across settings, such as augmentative, incidental, and naturalistic teaching;

(i) Social skills supports and strategies based on social skills assessment and curriculum, and provided across settings, for example trained peer facilitators such as a circle of friends, video modeling, social stories, and role playing;

(j) Professional educator and staff support, such as training provided to personnel who work with students to assure the correct implementation of techniques and strategies described in the individualized education programs; and

(k) Teaching strategies based on peer reviewed and research-based practices for students with autism spectrum disorder, such as those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training.

(2) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health, the department of social and health services, educational service districts, local school districts, the autism center at the University of Washington, and the autism society of Washington, shall distribute information on child find responsibilities under Part B and Part C of the federal individuals with disabilities education act, as amended, to agencies, districts, and schools who participate in the location, evaluation, and identification of children who may be eligible for early intervention services or special education services.

(3) To the extent funds are made available, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, shall develop posters to be distributed to medical offices and clinics, grocery stores, and other public places with information on autism and how parents can gain access to the diagnosis and identification of autism and contact information for services and support. These posters will be available on the internet for ease of distribution.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Barlow; Haler; Herrera; Hunter; Jarrett; Kagi; Kenney; Ormsby; Quall; Seaquist; Springer and Wallace.

Passed to Committee on Rules for second reading.

March 3, 2008

ESSB 6771 Prime Sponsor, Senate Committee on Transportation: Eliminating regional transportation investment districts. (REVISED FOR ENGROSSED: Temporarily eliminating regional transportation investment districts.) 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 legislature implemented a policy of allowing regional entities to propose ballot measures to fund state highways by creating a regional transportation investment district in 2002. After years of costly delay, a joint ballot measure was proposed to the voters to fund state highways and transit by regional taxation in central Puget Sound in November 2007, and it was rejected.

The legislature acknowledges that it has historically been the responsibility of the state to prioritize and fund the costs of repairs, replacement, and construction of state transportation facilities. However, the state continues to be challenged by increasing demands for transportation projects that address safety, maintenance, and congestion issues. The ongoing and significant rise in construction and fuel costs, combined with projected declines in state and federal resources, has prompted local leaders to consider implementing local and regional financing tools to help fund construction of state and local transportation facilities located within their jurisdictions.

It is therefore the intent of the legislature to determine whether regional financing of state-owned transportation projects and facilities can be successfully implemented by regional transportation investment districts, including whether such existing tools should be temporarily suspended or permanently repealed and whether other financing tools should be provided to local jurisdictions.

NEW SECTION. Sec. 2. A new section is added to chapter 36.120 RCW to read as follows:

(1) The joint transportation committee shall conduct a study that analyzes regional financing of state-owned facilities by regional transportation investment districts. The study shall include, but is not limited to, an analysis of the following issues:

(a) The effects that a voter-approved regional finance plan for a specific set of transportation projects may have on future statewide transportation investments;

(b) The additional cost to individuals living within a regional transportation investment district, in excess of the baseline costs such individuals pay for transportation infrastructure across the state, for state highways within the district;

(c) A comparison of the additional cost identified in (b) of this subsection to the cost of a statewide transportation revenue proposal containing funding for the same set of projects and other high priority statewide projects; and

(d) The feasibility of and stakeholder interest level in:

(i) Eliminating the authority to establish regional transportation investment districts temporarily or permanently; and

(ii) Creating similar special purpose districts statewide or expanding the authority of existing similar special purpose districts statewide including, but not limited to, transportation benefit districts authorized under chapter 36.73 RCW.

(2) In conducting the study identified in subsection (1) of this section, the joint transportation committee must consult with appropriate local and regional stakeholders, including applicable counties, cities, transit agencies, and regional transportation planning organizations. The committee shall submit a final report, including recommendations, to the transportation committees of the legislature and the governor by December 1, 2008.

NEW SECTION. Sec. 3. Funding for the study described in section 2 of this act shall be provided from unexpended funding previously provided to the joint transportation committee for an

analysis of implementing governance in central Puget Sound in the 2007 transportation appropriations act.

NEW SECTION. Sec. 4. This act expires January 1, 2010."

Correct the title.

Signed by Representatives Clibborn, Chair; Flannigan, Vice Chair; Appleton; Campbell; Dickerson; Eddy; Hudgins; Jarrett; Loomis; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Armstrong; Herrera; Kristiansen; Rodne; Smith and Warnick.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6777 Prime Sponsor, Senate Committee on Water, Energy & Telecommunications: Clarifying interests in certain state lands. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that there exists potential disagreement over the ownership of certain minerals located on land formerly owned by the state of Washington located on Maury Island in section 29, township 22N, range 03E, and conveyed by the state in deeds dated in 1910 and 1923. Although the fee simple ownership of these lands were clearly transferred into private hands, the conveyance instruments contained a mineral reservation whereby the ownership of the minerals located on the land remained in state ownership to be managed for the benefit of the state land trust beneficiaries. Although the conveyance instruments reserve to the state the ownership of all minerals of every kind, name, or description located in or upon the land, and although both the grantor and grantee have historically operated as though there is no disagreement over the ownership status of the sand, gravel, and rock, there has been no formal determination by the judicial system of the title to the sand, gravel, and rock resources located on these lands and whether sand, gravel, and rock resources are included in this mineral reservation.

(2) It is the intent of this act to fulfill the state's fiduciary duty to the state land trust beneficiaries by determining any interest it may have in the mineral resources on these lands.

(3) The department of natural resources shall initiate a judicial proceeding to determine the proper ownership of sand, gravel, and rock resources located on land formerly owned by the state of Washington and transferred into private ownership. This section applies to those parcels of land located on Maury Island within section 29, township 22N, range 03E and originally conveyed from

state ownership by deeds recorded on or about February 18, 1910, and January 26, 1923.

(4) Until and unless a formal and final judicial opinion finds otherwise, the department of natural resources shall continue to operate, manage land, and enter into leases consistent with its historic interpretation of the land transfers in question.

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

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

March 3, 2008

ESSB 6809 Prime Sponsor, Senate Committee on Ways & Means: Providing a tax exemption for working families measured by the federal earned income tax credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 25, strike subsection (4) and insert the following:

"(4) For any fiscal year, a person may not claim the working families' tax exemption authorized under this section unless the exemption has been approved by the legislature in accordance with section 4 of this act."

On page 3, line 6, after "2009" insert ", and for every year thereafter, application shall be made between June 30th and January 1st"

On page 3, after line 34, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 82.32 RCW to read as follows:

(1) A person may not claim the working families' tax exemption under section 2 of this act unless a bill, separate and distinct from the state omnibus appropriations act, has been signed into law that authorizes the exemption provided in section 2 of this act. The legislative authorization only applies to exemptions claimed in the calendar year in which the bill is enacted. The legislature shall enact a new authorization bill to authorize the exemption under section 2 of this act for any calendar year.

(2) The bill required under subsection (1) of this section must:

(a) Have a bill title that states: "AN ACT Relating to legislative authorization for the working families' tax exemption; [other technical requirements as normally required by the office of the code reviser]";

(b) Provide a statement that authorizes individuals to submit applications during the six-month period described in section 2(5)(c) of this act for the calendar year in which the legislative authorization bill is enacted; and

(c) Provide a reasonable fiscal estimate of the cost of the working families' tax exemption for the calendar year in which the legislative authorization bill is enacted.

NEW SECTION. Sec. 5. (1) The Washington state institute for public policy shall conduct a study that analyzes, compares, and contrasts the economic impacts, both short and long-term, of providing the tax exemption for low-income families under section 2 of this act with a potential targeted investment, of similar fiscal cost, in early learning, K-12, or higher education for low-income families. "Economic impacts" includes increases in education levels; growth in wages, labor productivity, and employment; increases in home ownership and entrepreneurial investment; and any other factors the institute deems necessary for the proper comparison and evaluation of these programs.

(2) The Washington state institute for public policy shall report the findings of its study to the economic development and fiscal committees of the legislature by December 1, 2012.

NEW SECTION. Sec. 6. This act expires July 1, 2013.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; McIntire and Santos.

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

Passed to Committee on Rules for second reading.

February 28, 2008

SB 6818 Prime Sponsor, Senator Oemig: Promoting transparency in state expenditures. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The intent of the legislature is to make state revenue and expenditure data as open, transparent, and publicly accessible as is feasible. Increasing the ease of public access to state budget data, particularly where the data are currently available from disparate internal government sources but are difficult for the public to collect and efficiently aggregate, significantly contributes to governmental accountability, public participation, agency efficiency, and open government.

NEW SECTION. Sec. 2. A new section is added to chapter 44.48 RCW to read as follows:

(1) By January 1, 2009, in collaboration with the office of financial management, using existing databases and structures currently shared, the office of the legislative evaluation and accountability program committee shall establish and make available to the public a searchable state expenditure information web site. The state expenditure information web site shall provide access to current budget data, access to current accounting data for budgeted expenditures and staff, and access to historical data. At a minimum, the web site will provide access or links to the following information as data are available:

- (a) State expenditures by fund or account;
 - (b) State expenditures by agency, program, and subprogram;
 - (c) State revenues by major source;
 - (d) State expenditures by object and subobject;
 - (e) State agency workloads, caseloads, and performance measures, and recent performance audits; and
 - (f) State agency budget data by activity.
- (2) "State agency," as used in this section, includes every state agency, office, board, commission, or institution of the executive, legislative, or judicial branches, including institutions of higher education.

(3) The state expenditure information web site shall be updated periodically as subsequent fiscal year data become available, and the prior year expenditure data shall be maintained by the legislative evaluation and accountability program committee as part of its ten-year historical budget data.

NEW SECTION. Sec. 3. A new section is added to chapter 43.88 RCW to read as follows:

- (1) The office of financial management shall make electronically available to the public a database of state agency contracts for personal services and purchased services required to be filed with the office of financial management under chapter 39.29 RCW.
- (2) The state expenditure information web site described in section 2 of this act shall include a link to the office of financial management database described in subsection (1) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.150 RCW to read as follows:

- (1) Upon the release of each proposed omnibus appropriations act and final enacted budget, the legislative evaluation and accountability committee shall prepare and cause to be posted on a publicly accessible web site a presentation consisting of potential examples of the types and levels of educational programs and services supported by funding provided in the proposed or enacted omnibus appropriations act under specified allocations for the support of common schools.
- (2) The purpose of the presentation created in subsection (1) of this section is to make transparent to the public, using categories and terms that are readily understood, examples of the type and level of educational programs and services supported by funding appropriated in the omnibus appropriations act under specified programs for support of the common schools. Such transparency promotes better public understanding of the state resources provided to support the common schools. The information in the presentation is for illustrative purposes only. It is not intended, nor is it to be construed, to represent how state allocations are actually used by individual school districts, nor how school districts are expected or required to expend state allocations.
- (3) Each legislative evaluation and accountability program committee presentation prepared under this section shall provide estimates for the following items, based on the level of state funding

appropriated in the budget bill for which the presentation is prepared and for the school year immediately following the legislative session in which the bill is considered:

- (a) For the general apportionment program:
 - (i) Estimated state-funded class size in elementary, middle, and high school grade spans;
 - (ii) Average state-funded teacher salary, total teacher compensation, administrator salary, and classified staff salary;
 - (iii) Estimated number of state-funded staff of various classifications in a hypothetical average-sized school; and
 - (iv) Estimated amount per pupil for nonemployee related costs, including a breakdown of the per pupil amount by selected major categories of expenditure;
 - (b) For the learning assistance program, the transitional bilingual program, and the highly capable student program: Estimated hours of additional instruction per week in each program;
 - (c) For the special education excess cost allocation: Estimated amount per eligible student;
 - (d) For the promoting academic success program: Estimated hours of remediation for various types of students, hours of teacher planning time, and class size; and
 - (e) For the student achievement fund: Estimated amount per pupil in each category of use of the funds under RCW 28A.505.210 and estimated staffing or additional instructional time supported by the funds in a hypothetical average-sized school.
- (4) Each document shall also contain a brief narrative description of how the estimates provided under subsection (3) of this section were calculated and the major assumptions behind the calculations. Estimates may be developed using documented expenditure patterns of school districts, best practices, or other sources of information."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 29, 2008

ESB 6821 Prime Sponsor, Senator Hatfield: Exempting certain information obtained by the department of fish and wildlife from disclosure under chapter 42.56 RCW. (REVISED FOR ENGROSSED: Concerning fish and wildlife harvest management.) Reported by Committee on Appropriations Subcommittee on General Government & Audit Review

MAJORITY recommendation: Do pass amendment by Committee on Agriculture & Natural Resources as

amended by Committee on Appropriations Subcommittee on General Government & Audit Review.

On page 4, strike line 7 and insert the following:

"**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Skinner, Assistant Ranking Minority Member; Alexander; Blake; Chandler; Kretz; Lantz; Liias and Nelson.

Passed to Committee on Rules for second reading.

March 3, 2008

2SSB 6855 Prime Sponsor, Senate Committee on Ways & Means: Concerning funding for jobs, economic development, and local capital projects. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are each reenacted and amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. ~~((Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality.))~~ Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

~~((a))~~ (3) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

~~((b) All transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280.~~

~~((c))~~ (4) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in ~~((rural natural resources impact areas and rural counties of))~~ the state.

~~((d))~~ (5) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((e))~~ (6) The legislature finds that sharing economic growth statewide is important to the welfare of the state. ~~((Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region.))~~ The ability of ~~((these))~~ communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. ~~((Rural counties and rural natural resources impact areas generally lack these necessary tools and resources to diversify and revitalize their economies.))~~ It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board ~~((for rural counties and rural natural resources impact areas,))~~ and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

Sec. 2. RCW 43.160.020 and 2004 c 252 s 1 are each amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

(2) ~~(("Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.~~

~~—(3))~~ "Department" means the department of community, trade, and economic development.

~~((4))~~ "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

~~—(5)~~ "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

~~—(6)~~ "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

~~—(7))~~ (3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

~~((8))~~ "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection:

~~—(9)~~ "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

~~—(10)~~ "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

~~—(11))~~ (4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

~~((12))~~ (5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

~~((13))~~ "Rural natural resources impact area" means:

~~—(a)~~ A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;

~~—(b)~~ A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or

~~—(c)~~ A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.

~~—(14)~~ For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

~~—(a)~~ A lumber and wood products employment location quotient at or above the state average;

~~—(b)~~ A commercial salmon fishing employment location quotient at or above the state average;

~~—(c)~~ Projected or actual direct lumber and wood products job losses of one hundred positions or more;

~~—(d)~~ Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

~~—(e)~~ An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.)

Sec. 3. RCW 43.160.030 and 2004 c 252 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter (~~and the allocation of private activity bonds~~).

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

(7) A majority of members currently appointed constitutes a quorum.

Sec. 4. RCW 43.160.050 and 1996 c 51 s 4 are each amended to read as follows:

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

~~(7) ((Exercise all the powers of a public corporation under chapter 39.84 RCW.~~

~~—(8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.~~

~~—(9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.~~

~~—(10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.~~

~~—(11)) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.~~

~~—((12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.~~

~~—(13) Service, contract, and pay for the servicing of loans for industrial development facilities.~~

~~—(14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.~~

~~—(15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.~~

~~—(16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.~~

~~—(17)) (8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.~~

~~—((18)) (9) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.~~

Sec. 5. RCW 43.160.060 and 2007 c 231 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities,

including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, ~~((at least ten))~~ no more than twenty-five percent of all financial assistance ~~((provided))~~ approved by the board in any biennium ~~((shall))~~ may consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

~~(c) ((For the acquisition of real property, including buildings and other fixtures which are a part of real property.~~

~~—(d))~~ For a project the primary purpose of which is to facilitate or promote gambling.

(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

(2) The board shall only provide financial assistance:

(a) For ~~((those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.~~

~~—(b) For projects which it finds))~~ a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and

(ii) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities(

~~—(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made);~~

(b) For a project that cannot meet the requirement of (a) of this subsection but is a project that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted;

(ii) Is part of a local economic development plan consistent with applicable state planning requirements;

(iii) Can demonstrate project feasibility using standard economic principles; and

(iv) Is located in a rural community as defined by the board, or a rural county;

(c) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.

(3) The board shall develop guidelines for local participation and allowable match and activities.

(4) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(5) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(6) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(7) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

(8) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed (~~and according~~), but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(b) The rate of return of the state's investment, (~~that includes the~~) including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project; (~~and~~)

(c) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(d) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; and

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

(~~(4)~~) (9) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 6. RCW 43.160.070 and 1999 c 164 s 104 are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account (~~(and the distressed county public facilities construction loan account)~~) shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter (~~(or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature)~~). The total outstanding amount which the board shall dispend at any time pursuant to this section shall not exceed the moneys available from the account(s). (~~The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.~~)

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties (~~(or rural natural resources impact areas, as the board determines)~~). The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. (~~Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account.~~) Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

Sec. 7. RCW 43.160.074 and 1985 c 433 s 5 are each amended to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the department of transportation (~~commission~~).

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the department of transportation (~~commission~~) as specified in RCW

47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the department of transportation ~~((commission))~~ as specified in RCW 47.01.280.

(4) The board shall notify the department of transportation ~~((commission))~~ of its decision regarding any application made under this section.

Sec. 8. RCW 43.160.076 and 1999 c 164 s 105 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter ~~((without reference to financial assistance provided under RCW 43.160.220))~~, the board shall ~~((spend))~~ approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties ~~((or rural natural resources impact areas))~~.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties ~~((or rural natural resources impact areas))~~ are clearly insufficient to use up the ~~((seventy-five percent))~~ allocations under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties ~~((or rural natural resources impact areas))~~.

Sec. 9. RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall ~~((report to the appropriate standing committees of the legislature biennially on the implementation of))~~ conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The ~~((report))~~ evaluations shall include information on the number of applications for community economic revitalization board assistance~~(:);~~ the number and types of projects approved~~(:);~~ the grant or loan amount awarded each project~~(:);~~ the projected number of jobs created or retained by each project~~(:);~~ the actual number and cost of jobs created or retained by each project~~(:);~~ the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans~~(:);~~ and the number of project terminations. The ~~((report))~~ evaluations may also include additional performance measures and recommendations for programmatic changes. ~~((The first report shall be submitted by December 1, 1994.))~~

(2)(a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic development commission for review and comment, as required in section 10 of this act. The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

NEW SECTION. Sec. 10. A new section is added to chapter 43.162 RCW to read as follows:

The Washington state economic development commission shall review and provide written comments and recommendations for inclusion in the biennial evaluation conducted by the community economic revitalization board under RCW 43.160.900.

Sec. 11. RCW 43.160.080 and 1998 c 321 s 30 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter ~~((except moneys of the board collected in connection with the issuance of industrial development revenue bonds and moneys deposited in the distressed county public facilities construction loan account under RCW 43.160.220;))~~ and any moneys appropriated to it by law ~~((PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184))~~. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) RCW 43.160.100 (Status of board) and 1984 c 257 s 3;
- (2) RCW 43.160.120 (Commingling of funds prohibited) and 1984 c 257 s 5;
- (3) RCW 43.160.130 (Personal liability) and 1984 c 257 s 6;
- (4) RCW 43.160.140 (Accounts) and 1987 c 422 s 8 & 1984 c 257 s 7;
- (5) RCW 43.160.150 (Faith and credit not pledged) and 1984 c 257 s 8;
- (6) RCW 43.160.160 (Security) and 1984 c 257 s 9;
- (7) RCW 43.160.170 (Special reserve account) and 1984 c 257 s 10;
- (8) RCW 43.160.200 (Economic development account--Eligibility for assistance) and 2004 c 252 s 4, 1999 c 164 s 107, 1996 c 51 s 9, & 1995 c 226 s 16;
- (9) RCW 43.160.210 (Distressed counties--Twenty percent of financial assistance) and 1998 c 321 s 31 & 1998 c 55 s 5;
- (10) RCW 43.160.220 (Distressed county public facilities construction loan account) and 1998 c 321 s 9;
- (11) RCW 43.160.230 (Job development fund program) and 2007 c 231 s 4 & 2005 c 425 s 2;
- (12) RCW 43.160.240 (Job development fund program--Maximum grants) and 2005 c 425 s 3; and
- (13) RCW 44.28.801 (State public infrastructure programs and funds--Inventory--Report) and 2006 c 371 s 229 & 2005 c 425 s 5.

NEW SECTION. Sec. 13. Sections 1, 2, and 4 through 12 of this act take effect July 1, 2009.

NEW SECTION. Sec. 14. 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 Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; Appleton; Blake; Chase; Dunshee; Flannigan; Kelley; Pedersen; Sells and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Hankins; Orcutt; Pearson; Skinner and Smith.

Passed to Committee on Rules for second reading.

March 3, 2008

SB 6912 Prime Sponsor, Senator Haugen: Providing property tax relief for senior citizens and persons retired by reason of physical disability by increasing the income thresholds. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Conway; Ericks; McIntire; Roach and Santos.

Passed to Committee on Rules for second reading.

**SECOND SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

March 3, 2008

2SSB 5596 Prime Sponsor, Senate Committee on Ways & Means: Requiring fair payment for chiropractic services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, a health carrier may not develop and use a payment methodology that would result in a payment to a chiropractor under a physical medicine and rehabilitation payment or billing code in an amount less than a payment to a different provider licensed under Title 18 RCW who is being paid under the same physical medicine and rehabilitation payment or billing code. For payment methodologies that are developed and used on or after January 1, 2009, it is presumed that payment or billing codes that apply only to health care services provided by chiropractors are not in compliance with this requirement unless the carrier shows to the commissioner's satisfaction that the payment or billing codes are used only to achieve the purposes permitted under (b) of this subsection.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices;

(ii) Health care provider contracting to comply with the network adequacy standards of RCW 48.43.515 and the rules adopted by the commissioner establishing network adequacy standards; or

(iii) Payment differentials that address: (A) The cost of maintaining health care providers' practices including, but not limited to, equipment and overhead costs and medical malpractice insurance premium obligations; (B) differences in applicable provider training requirements; or (C) differences in providers' authorized scope of practice.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payment methodologies developed or used on or after January 1, 2009.

Sec. 2. RCW 41.05.017 and 2007 c 502 s 2 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, 70.02.900, section 1 of this act, and 48.43.083.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Anderson; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schual-Berke; Seaquist; Sullivan and Walsh.

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

Passed to Committee on Rules for second reading.

March 3, 2008

ESSB 5746 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development:

Regarding the practice of landscape architecture.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

2ESSB 5905 Prime Sponsor, Senate Committee on Ways & Means: Concerning certificate of capital authorization. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

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

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 2. The Washington citizens' work group on health care reform is established.

(1) On or before January 30, 2009, the governor shall appoint nine citizen members, who may include, but are not limited to, representatives from business, labor, health care providers and consumer groups, and persons with expertise in health care financing. The citizen members shall be selected from individuals recognized for their independent judgment. In addition, the majority and minority caucus in the house of representatives and the majority and minority caucus in the senate shall submit the names of two members of their caucus to the governor, who shall select one member from each caucus to participate in the work group.

(2) Staff support for the work group shall be provided by the office of financial management. Consistent with funds appropriated specifically for this purpose, two full-time staff shall be hired to enable the work group to complete its responsibilities in a timely and effective manner.

(3) The work group shall:

(a) Begin its deliberations by reviewing in detail the findings and recommendations of the 2006 blue ribbon commission on health care costs and access. The work group shall review all prior relevant studies related to health care reform efforts in Washington state and

consider the recent health care reform experience of other states such as Massachusetts, Wisconsin, and California;

(b) Engage Washingtonians in a public process on improving access to quality, affordable health care, as described in subsection (4) of this section;

(c) Review and develop recommendations to the governor and the legislature related to the health care reform proposals in section 3 of this act. In reviewing the proposals, the work group shall evaluate the extent to which each proposal:

(i) Provides a medical home for every family;

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

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

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

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

(d) Through the activities outlined in this act, develop a careful understanding of the essential requirements for health care reform as seen by the many different primary stakeholders in Washington state.

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

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

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

The public engagement process may include, but is not limited to, public forums, invitational meetings with community leaders or other interested individuals and organizations, and web-based communication.

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

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

This section expires December 31, 2009.

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

(a) A proposal that modifies insurance regulations in Washington state to address specific groups that have lower rates of coverage, such as small employers and young adults. The proposal would authorize the offering of health plans that do not include mandated benefits, allow health plan premiums to be adjusted to reflect the health status and experience of the members of the group purchasing coverage, allow carriers to pool the health risk of young adults separately from other enrollees, and promote the use of high deductible health plans with accompanying health savings accounts;

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

Accountable Health Care." The proposal assumes the inclusion of health plan design features that encourage the use of preventive, primary care and evidence-based services;

(c) A proposal to cover all Washingtonians with a comprehensive, standardized benefit package. An independent entity would be established to define the scope of the standardized benefit package, and to undertake a competitive procurement process to offer the package through private health carriers or health care provider networks, with an additional fee-for-service option. The standardized benefit package would be designed to include features that encourage the use of preventive, primary care and evidence-based health services. Washingtonians would purchase the standardized benefit package through the independent entity by choosing a participating carrier, network, or the fee-for-service option; and

(d) A proposal to establish a single payer health care system, similar to the health care system in Canada in which a governmental entity contracts with and pays health care providers to deliver a defined package of health services to all Washingtonians.

(2) In addition to the evaluation of the four proposals described in subsection (1) of this section, the consultant shall conduct a review to validate the actuarial analysis of the insurance commissioner's proposed guaranteed benefit plan prepared in 2008 at the request of the insurance commissioner.

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

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

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

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

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

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

(f) The impact on employment;

(g) The impact on consumer choice;

(h) Administrative efficiencies and resulting savings;

(i) The impact on hospital charity care; and

(j) The extent to which each proposal promotes:

(i) Improved health outcomes;

(ii) Prevention and early intervention;

(iii) Chronic care management;

(iv) Services based on empirical evidence;

(v) Incentives to use effective and necessary services;

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

(vii) A medical home.

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

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

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

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Morrell; Pettigrew; Schual-Berke; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Hinkle; Kretz; McDonald; Priest; Ross; Schmick and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

SB 6471 Prime Sponsor, Senator Weinstein: Protecting consumers by regulating loans under the consumer loan act and mortgage broker practices act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

ESSB 6573 Prime Sponsor, Senate Committee on Ways & Means: Providing additional revenues for public safety. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that local governments need additional revenues to provide public safety resources in order to protect the citizens of Washington from fire and crime. The legislature finds that the current benefit formula and contributions for the law enforcement officers' and firefighters' plan 2 are inadequate to modify that formula in recognition of the shorter working careers for firefighters and police officers. The legislature recognizes that although some officers and firefighters are able to work comfortably beyond twenty-five years, the combat nature of fire suppression and law enforcement generally require earlier retirement

ages. In recognition of the physical demands of the professions and the inherent risks faced by law enforcement officers and firefighters, eligibility for retirement in the law enforcement officers' and firefighters' plan 2 system has been set at age fifty-three. However, the benefit formula is designed for careers of thirty-five to forty years, making retirement at age fifty-three an unrealistic option for many.

Therefore, the legislature declares that it is the purpose of this act to provide local government public safety employers and the law enforcement officers' and firefighters' plan 2 pension plan with additional shared revenues when state general fund revenues increase by at least five percent over the prior year's collections.

NEW SECTION. Sec. 2. A new section is added to chapter 41.26 RCW to read as follows:

The local public safety enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation. All receipts from section 4 of this act must be deposited into the account. Expenditures from the account may be used as follows:

(1) Following appropriation, fifty percent of the money in the account shall be transferred to the law enforcement officers' and firefighters' retirement system benefits improvement account established in section 3 of this act.

(2) Following appropriation, the balance shall be distributed by the state treasurer to all jurisdictions with law enforcement officers' and firefighters' plan 2 members on a proportionate share basis based on the number of plan 2 members each jurisdiction has on June 1st of the prior year divided by the total number of plan 2 members in the system. The department of retirement systems shall provide the distribution allocation to the state treasurer. Distributions by the state treasurer shall be made annually beginning on January 1, 2011. Jurisdictions that contract with other eligible jurisdictions for law enforcement services or fire protection services must agree on the distribution of funds between the contracting parties and must inform the department of retirement systems as to how the distribution is to be made. Distributions will continue to be made under the terms of the agreement until the department of retirement systems is notified by the eligible jurisdiction of any agreement revisions. If there is no agreement within six months of the distribution date, the moneys lapse to the state treasury. Moneys distributed from the balance of the public safety enhancement account may be used for the following purposes: (a) Criminal justice, including those where an ancillary benefit to the civil justice occurs, and includes domestic violence programs; (b) information and assistance to parents and families dealing with at-risk or runaway youth; or (c) public safety.

NEW SECTION. Sec. 3. A new section is added to chapter 41.26 RCW to read as follows:

(1) The local law enforcement officers' and firefighters' retirement system benefits improvement account (benefits account) is created within the law enforcement officers' and firefighters' retirement system plan 2 fund. All receipts from section 2(1) of this act must be deposited into the account.

(2) The funds in the benefits account shall not be included by the state actuary in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund until the board directs the state actuary in writing to do so for purposes of funding the expected actuarial present value of fully projected benefits for current and future members adopted pursuant to RCW 41.26.720(1)(b)(ii). The board, in consultation with the state investment board, shall provide the state actuary, in writing, the market value of the amount directed from the benefits account for

inclusion in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund. The market value of the amount directed from the benefits account shall be determined as of the date of the direction from the board to include this amount for purposes of funding the expected actuarial present value of fully projected benefits for current and future members adopted pursuant to RCW 41.26.720(1)(b)(ii).

(3) The law enforcement officers' and firefighters' plan 2 retirement board shall administer the fund in an actuarially sound manner.

(4) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the benefits account. The state investment board is authorized to adopt investment policies for the money in the benefits account. All investment and operating costs associated with the investment of money within the benefits account shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the benefits account.

(5) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(6) When appropriate for investment purposes, the state investment board may commingle money in the fund with other funds.

(7) The authority to establish all policies relating to the benefits account, other than the investment policies set forth in this section, resides with the law enforcement officers' and firefighters' plan 2 retirement board. Other than investments by and expenses of the state investment board, disbursements from this fund may be made only on the authorization of the law enforcement officers' and firefighters' plan 2 retirement board for purposes of funding the expected actuarial present value of fully projected benefits for current and future members adopted pursuant to RCW 41.26.720(1)(b)(ii).

(8) The state investment board shall routinely consult with and communicate with the law enforcement officers' and firefighters' plan 2 retirement board on the investment policy, earnings of the trust, and related needs of the benefits account.

(9) For purposes of this section, the present value of fully projected benefits for current and future members shall be calculated by the state actuary, utilizing the current long-term economic and demographic assumptions adopted by the board for the regular valuation of the plan.

NEW SECTION. Sec. 4. A new section is added to chapter 41.26 RCW to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3) By September 30, 2015, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or

twenty million dollars, to the local public safety enhancement account.

(4) The appropriated funds that may be transferred pursuant to this section are not a matter of contractual right, and are not part of the systematic method of funding any benefits or liabilities of the law enforcement officers' and firefighters' retirement plan 2 currently in law, or as may be enacted in the future. The legislature retains the right to amend or abolish this section at any time."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

ESSB 6580 Prime Sponsor, Senate Committee on Government Operations & Elections: Addressing the impacts of climate change through the growth management act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

"NEW SECTION. Sec. 1. (1) The legislature recognizes that the implications of a changed climate will affect the people, institutions, and economies of Washington. The legislature also recognizes that it is in the public interest to reduce the state's dependence upon foreign sources of carbon fuels that do not promote energy independence or the economic strength of the state. The legislature finds that the state, including its counties, cities, and residents, must engage in activities that reduce greenhouse gas emissions and dependence upon foreign oil.

(2) The legislature further recognizes that: (a) Patterns of land use development influence transportation-related greenhouse gas emissions and the need for foreign oil; (b) fossil fuel-based transportation is the largest source of greenhouse gas emissions in Washington; and (c) the state and its residents will not achieve emission reductions established in RCW 80.80.020 without a significant decrease in transportation emissions.

(3) The legislature, therefore, finds that it is in the public interest of the state to provide appropriate legal authority, where required, and to aid in the development of policies, practices, and methodologies that may assist counties and cities in addressing challenges associated with greenhouse gas emissions and our state's dependence upon foreign oil.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1) The department must develop and provide to counties and cities a range of advisory climate change response methodologies, a

computer modeling program, and estimates of greenhouse gas emission reductions resulting from specific measures. The advisory methodologies, computer modeling program, and estimates must reflect regional and local variations and the diversity of counties and cities planning under RCW 36.70A.040. Advisory methodologies, the computer modeling program, estimates, and guidance developed under this section must be consistent with recommendations developed by the advisory policy committee established in section 4 of this act.

(2) The department, in complying with this section, must work with the department of transportation on reductions of vehicle miles traveled through efforts associated with, and independent of, the process directed by RCW 47.01.--- (section 8, chapter . . . (E2SHB 2815)), Laws of 2008.

(3) The department must complete and make available the advisory climate change response methodologies, computer program, and estimates required by this section by December 1, 2009. The advisory climate change response methodologies, computer program, and estimates must be updated two years before each completion date established in RCW 36.70A.130(4)(a).

(4) This section expires January 1, 2011.

NEW SECTION. Sec. 3. (1) A local government global warming mitigation and adaptation program is established. The program must be administered by the department of community, trade, and economic development and must conclude by June 30, 2010. The department must, through a competitive process, select three or fewer counties and six cities for the program. Counties selected must reflect a range of opportunities to address climate change in urbanizing, resource, or agricultural areas. Cities selected must reflect a range of sizes, geographic locations, and variations between those that are highly urbanized and those that are less so that have more residential dwellings than employment positions.

(2) The program is established to assist the selected counties and cities that: (a) Are addressing climate change through their land use and transportation planning processes; and (b) aspire to address climate change through their land use and transportation planning processes, but lack necessary resources to do so. The department of community, trade, and economic development may fund proposals to inventory and mitigate global warming emissions, or adapt to the adverse impacts of global warming, using criteria it develops to accomplish the objectives of this section and sections 2 and 4 of this act.

(3) The department of community, trade, and economic development must provide grants and technical assistance to aid the selected counties and cities in their efforts to anticipate, mitigate, and adapt to global warming and its associated problems. The department, in providing grants and technical assistance, must ensure that grants and assistance are awarded to counties and cities meeting the criteria established in subsection (2)(a) and (b) of this section.

(4) The department of community, trade, and economic development must provide a report of program findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by January 1, 2011.

(5) This section expires January 1, 2011.

NEW SECTION. Sec. 4. (1)(a) With the use of funds provided by specific appropriation, the department must prepare a report that includes:

(i) Descriptions of actions counties and cities are taking to address climate change issues. The department must use readily

available information when completing the requirements of this subsection (1)(a)(i);

(ii) Recommendations of changes, if any, to chapter 36.70A RCW and other relevant statutes that would enable state and local governments to address climate change issues and the need to reduce dependence upon foreign oil through land use and transportation planning processes;

(iii) Descriptions of existing and potential computer modeling and other analytic and assessment tools that could be used by counties and cities in addressing their proprietary and regulatory activities to reduce greenhouse gas emissions and/or dependence upon foreign oil;

(iv) Assessments of state and local resources, financial and otherwise, needed to fully implement recommendations resulting from and associated with (a)(ii) and (iii) of this subsection; and

(v) Recommendations for additional funding to implement the recommendations resulting from (a)(ii) of this subsection.

(b) The department must submit the report required by this section to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2008.

(2)(a) In preparing the report required by this section, the department must convene, and receive majority approval of report recommendations from, an advisory policy committee, with members as provided in this subsection.

(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(iii) Three members representing counties and five members representing cities. Members appointed under this subsection (2)(a)(iii) must represent each of the jurisdictional areas of growth management hearings boards and must be appointed by state associations representing counties and cities.

(iv) One member representing tribal governments, appointed by the governor.

(b) The advisory policy committee must have the following nonvoting ex officio members:

(i) One member representing the office of the governor;

(ii) One member representing an association of builders;

(iii) One member representing an association of real estate professionals;

(iv) One member representing an association of local government planners;

(v) One member representing an association of agricultural interests;

(vi) One member representing a nonprofit entity with experience in growth management and land use planning issues;

(vii) One member representing a statewide business association;

(viii) One member representing a nonprofit entity with experience in climate change issues;

(ix) One member representing a nonprofit entity with experience in mobility and transportation issues;

(x) One member representing an association of office and industrial properties; and

(xi) One member representing an association of architects.

(c)(i) The department, in preparing the report and presenting information and recommendations to the advisory policy committee, must convene a technical support team, with members as provided in this subsection.

(A) The department of ecology must appoint one member representing the department of ecology.

(B) The department must appoint one member representing the department.

(C) The department of transportation must appoint one member representing the department of transportation.

(ii) The department, in complying with this subsection (2)(c), must consult with the professional staffs of counties and cities or their state associations, and regional transportation planning organizations and must solicit assistance from these staffs in developing materials and options for consideration by the advisory policy committee.

(3) Nominations for organizations represented in subsection (2) of this section must be submitted to the department by April 15, 2008.

(4) For purposes of this section, "department" means the department of community, trade, and economic development.

(5) This section expires December 31, 2008.

Sec. 5. RCW 36.70A.280 and 2003 c 332 s 2 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes a board to hear petitions alleging noncompliance with section 3 of this act; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. Sec. 6. This act is not intended to amend or affect chapter 353, Laws of 2007.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 8. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, section 2 of this act is null and void.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, section 3 of this act is null and void.

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, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Cody; Conway; Darneille; Ericks; Fromhold; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Linville; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Grant; Kessler; Kretz; McDonald; Ross; Schmick and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6583 Prime Sponsor, Senate Committee on Ways & Means: Changing provisions relating to eligibility for medical assistance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.510 and 2007 c 315 s 1 are each amended to read as follows:

(1) Medical assistance may be provided in accordance with eligibility requirements established by the department, as defined in the social security Title XIX state plan for mandatory categorically needy persons and:

~~((H))~~ (a) Individuals who would be eligible for cash assistance except for their institutional status;

~~((Z))~~ (b) Individuals who are under twenty-one years of age, who would be eligible for medicaid, but do not qualify as dependent children and who are in ~~((A))~~ (i) foster care, ~~((B))~~ (ii) subsidized adoption, ~~((C))~~ (iii) a nursing facility or an intermediate care facility for persons who are mentally retarded, or ~~((D))~~ (iv) inpatient psychiatric facilities;

~~((E))~~ (c) Individuals who:

~~((A))~~ (i) Are under twenty-one years of age;

~~((B))~~ (ii) On or after July 22, 2007, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state; and

~~((C))~~ (iii) On their eighteenth birthday, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state;

~~((D))~~ (d) Persons who are aged, blind, or disabled who: ~~((A))~~

(i) Receive only a state supplement, or ~~((B))~~ (ii) would not be eligible for cash assistance if they were not institutionalized;

~~((E))~~ (e) Categorically eligible individuals who meet the income and resource requirements of the cash assistance programs;

~~((F))~~ (f) Individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act;

~~((G))~~ (g) Children and pregnant women allowed by federal statute for whom funding is appropriated;

~~((H))~~ (h) Working individuals with disabilities authorized under section 1902(a)(10)(A)(ii) of the social security act for whom funding is appropriated;

~~((I))~~ (i) Other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act;

~~((J))~~ (j) Persons allowed by section 1931 of the social security act for whom funding is appropriated; and

~~((K))~~ (k) Women who: ~~((A))~~ (i) Are under sixty-five years of age; ~~((B))~~ (ii) have been screened for breast and cervical cancer under the national breast and cervical cancer early detection program administered by the department of health or tribal entity and have been identified as needing treatment for breast or cervical cancer; and ~~((C))~~ (iii) are not otherwise covered by health insurance. Medical assistance provided under this subsection (1)(k) is limited to the period during which the woman requires treatment for breast or cervical cancer, and is subject to any conditions or limitations specified in the omnibus appropriations act.

(2) To the extent permitted under federal law, the department shall set the categorically needy income level for adults who are sixty-five years of age or older, blind, or disabled, at eighty percent of the federal poverty level as adjusted annually beginning July 1, 2009. As used in this section, "federal poverty level" refers to the poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. Sec. 9902(2).

Sec. 2. RCW 74.09.530 and 2007 c 315 s 2 are each amended to read as follows:

(1) The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of social and health services. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the

provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government. The department shall not consider resources in determining continuing eligibility for recipients eligible under section 1931 of the social security act.

(2) Individuals eligible for medical assistance under RCW 74.09.510~~((Z))~~ (1)(c) shall be transitioned into coverage under that subsection immediately upon their termination from coverage under RCW 74.09.510~~((Z))~~ (1)(b)(i). The department shall use income eligibility standards and eligibility determinations applicable to children placed in foster care. The department, in consultation with the health care authority, shall provide information regarding basic health plan enrollment and shall offer assistance with the application and enrollment process to individuals covered under RCW 74.09.510~~((Z))~~ (1)(c) who are approaching their twenty-first birthday.

NEW SECTION. Sec. 3. The department of social and health services shall prepare a fiscal analysis of the increases in the medicaid categorically needy income level to eighty percent of the federal poverty level as described in RCW 74.09.510. In developing the fiscal analysis, the department shall present both costs and cost offsets related to continuous access to health services including: Per capita cost reductions that resulted from current medically needy clients having access to continuous coverage through the categorically needy program; any reductions in the number of clients receiving long-term care services; the impact on department staffing needs, including savings associated with reduced medically needy caseloads; shifts in enrollment from the Washington basic health plan to medicaid coverage; and the impact on regional support networks, including additional medicaid revenues, reduced demand for nonmedicaid funded services, and changes in utilization of emergency room and hospital services. The department shall submit the analysis to the governor and the health policy and fiscal committees of the legislature by November 1, 2010.

NEW SECTION. Sec. 4. This act takes effect July 1, 2009, if specific funding for purposes of this act, referencing this act by bill or chapter number, is provided by June 30, 2009, in the omnibus operating appropriations act. If funding is not so provided, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Chandler and Kretz.

Passed to Committee on Rules for second reading.

SB 6588

March 3, 2008
 Prime Sponsor, Senator Kauffman: Authorizing the transfer of accumulated leave between the common school and higher education systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

ESSB 6606

March 3, 2008
 Prime Sponsor, Senate Committee on Labor, Commerce, Research & Development: Requiring the licensing of home inspectors. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

- (1) "Board" means the home inspector advisory licensing board.
- (2) "Department" means the department of licensing.
- (3) "Director" means the director of the department of licensing.
- (4) "Entity" or "entities" means educational groups or organizations, national organizations or associations, or a national test organization.
- (5) "Home inspection" means a professional examination of the current condition of a house.
- (6) "Home inspector" means a person who carries out a noninvasive examination of the condition of a home, often in connection with the sale of that home, using special training and education to carry out the inspection.
- (7) "Report" means a written report prepared and issued after a home inspection.
- (8) "Wood destroying organism" means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. "Wood destroying organism" includes but is not limited to carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi, known as wood rot.

NEW SECTION. Sec. 2. LICENSURE REQUIRED. (1) Beginning September 1, 2009, a person shall not engage in or conduct, or advertise or hold himself or herself out as engaging in or conducting, the business of or acting in the capacity of a home

inspector within this state without first obtaining a license as provided in this chapter.

(2) Any person performing the duties of a home inspector on the effective date of this act has until July 1, 2010, to meet the licensing requirements of this chapter. However, if a person performing the duties of a home inspector on the effective date of this act has proof that he or she has worked as a home inspector for at least two years and has conducted at least one hundred home inspections, he or she may apply to the board before September 1, 2009, for licensure without meeting the instruction and training requirements of this chapter.

(3) The director may begin issuing licenses under this section beginning on July 1, 2009.

NEW SECTION. Sec. 3. DUTIES OF A LICENSED HOME INSPECTOR. A person licensed under this chapter is responsible for performing a visual and noninvasive inspection of the following readily accessible systems and components of a home and reporting on the general condition of those systems and components at the time of the inspection in his or her written report: The roof, foundation, exterior, heating system, air-conditioning system, structure, plumbing and electrical systems, and other aspects of the home as may be identified by the board. The inspection must include looking for certain fire and safety hazards as defined by the board. The standards of practice to be developed by the board will be used as the minimum standards for an inspection. The duties of the home inspector with regard to wood destroying organisms are provided in section 19 of this act.

NEW SECTION. Sec. 4. HOME INSPECTOR ADVISORY LICENSING BOARD. (1) The state home inspector advisory licensing board is created. The board consists of seven members appointed by the governor, who shall advise the director concerning the administration of this chapter. Of the appointments to this board, six must be actively engaged as home inspectors immediately prior to their appointment to the board, and one must be currently teaching in a home inspector education program. Insofar as possible, the composition of the appointed home inspector members of the board must be generally representative of the geographic distribution of home inspectors licensed under this chapter. No more than two board members may be members of a particular national home inspector association or organization.

(2) A home inspector must have the following qualifications to be appointed to the board:

- (a) Actively engaged as a home inspector in the state of Washington for five years;
- (b) Licensed as a home inspector under this chapter, except for initial appointments; and
- (c) Performed a minimum of five hundred home inspections in the state of Washington.

(3) Members of the board are appointed for three-year terms. Terms must be staggered so that not more than two appointments are scheduled to be made in any calendar year. Members hold office until the expiration of the terms for which they were appointed. The governor may remove a board member for just cause. The governor may appoint a new member to fill a vacancy on the board for the remainder of the unexpired term. All board members are limited to two consecutive terms.

(4) Each board member is entitled to compensation for each day spent conducting official business and to reimbursement for travel expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

NEW SECTION. Sec. 5. DIRECTOR'S AUTHORITY. The director has the following authority in administering this chapter:

- (1) To adopt, amend, and rescind rules approved by the board as deemed necessary to carry out this chapter;
- (2) To administer licensing examinations approved by the board and to adopt or recognize examinations prepared by other entities as approved by the board; and
- (3) To adopt standards of professional conduct, practice, and ethics as approved by the board.

NEW SECTION. Sec. 6. BOARD'S AUTHORITY. The board has the following authority in administering this chapter:

- (1) To establish rules, including board organization and assignment of terms, and meeting frequency and timing, for adoption by the director;
- (2) To establish the minimum qualifications for licensing applicants as provided in this chapter;
- (3) To approve the method of administration of examinations required by this chapter or by rule as established by the director;
- (4) To approve the content of or recognition of examinations prepared by other entities for adoption by the director;
- (5) To set the time and place of examinations with the approval of the director; and
- (6) To establish and review standards of professional conduct, practice, and ethics for adoption by the director. These standards must address what constitutes certain fire and safety hazards as used in section 3 of this act.

NEW SECTION. Sec. 7. QUALIFICATIONS FOR LICENSURE. In order to become licensed as a home inspector, an applicant must submit the following to the department:

- (1) An application on a form developed by the department;
- (2) Proof of a minimum of one hundred twenty hours of classroom instruction approved by the board;
- (3) Proof of up to forty hours of field training supervised by a licensed home inspector; and
- (4) Evidence of successful passage of the written exam as required in section 8 of this act.

NEW SECTION. Sec. 8. WRITTEN EXAMS. Applicants for licensure must pass an exam that is psychometrically valid, reliable, and legally defensible by the state. The exam is to be developed, maintained, and administered by the department. The board shall recommend to the director whether to use an exam that is prepared by a national entity. If an exam prepared by a national entity is used, a section specific to Washington shall be developed by the director and included as part of the entire exam.

NEW SECTION. Sec. 9. LICENSE LENGTH AND RENEWAL. Licenses are issued for a term of two years and expire on the applicant's second birthday following issuance of the license.

NEW SECTION. Sec. 10. ADVERTISING. The term "licensed home inspector" and the license number of the inspector must appear on all advertising, correspondence, and documents incidental to a home inspection. However, businesses and organizations that conduct national or interstate general marketing and advertising campaigns may omit the license number of the inspector in advertising so long as it is included on all documents incident to a home inspection.

NEW SECTION. Sec. 11. CONTINUING EDUCATION REQUIREMENTS. (1) As a condition of renewing a license under this chapter, a licensed home inspector shall present satisfactory evidence to the board of having completed the continuing education requirements provided for in this section.

(2) Each applicant for license renewal shall complete at least twenty-four hours of instruction in courses approved by the board every two years.

NEW SECTION. Sec. 12. WRITTEN REPORTS. (1) A licensed home inspector shall provide a written report of the home inspection to each person for whom the inspector performs a home inspection within a time period set by the board in rule. The issues to be addressed in the report shall be set by the board in rule.

(2) A licensed home inspector, or other licensed home inspectors or employees who work for the same company or for any company in which the home inspector has a financial interest, shall not, from the time of the inspection until one year from the date of the report, perform any work other than home inspection-related consultation on the home upon which he or she has performed a home inspection.

NEW SECTION. Sec. 13. SUSPENSION OF LICENSE. (1) The director shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422.

(2) The director, with the assistance of the board, shall establish by rule under what circumstances a home inspector license may be suspended or revoked. These circumstances shall be based upon accepted industry standards and the board's cumulative experience.

(3) Any person aggrieved by a decision of the director under this section may appeal the decision as provided in chapter 34.05 RCW. The adjudicative proceeding shall be conducted under chapter 34.05 RCW by an administrative law judge appointed pursuant to RCW 34.12.030.

NEW SECTION. Sec. 14. CIVIL INFRACTIONS. The department has the authority to issue civil infractions under chapter 7.80 RCW in the following instances:

- (1) Conducting or offering to conduct a home inspection without being licensed in accordance with this chapter;
- (2) Presenting or attempting to use as his or her own the home inspector license of another;
- (3) Giving any false or forged evidence of any kind to the director or his or her authorized representative in obtaining a license;
- (4) Falsely impersonating any other licensee; or
- (5) Attempting to use an expired or revoked license.

All fines and penalties collected or assessed by a court because of a violation of this section must be remitted to the department to be deposited into the business and professions account created in RCW 43.24.150.

NEW SECTION. Sec. 15. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 16. RELIEF BY INJUNCTION. The director is authorized to apply for relief by injunction without bond, to restrain a person from the commission of any act that is prohibited under section 14 of this act. In such a proceeding, it is not necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from continued violation. The director, individuals acting on the director's behalf, and members of the board are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 17. EXEMPTION FROM LICENSING. The following persons are exempt from the licensing requirements of this chapter when acting within the scope of their license or profession:

- (1) Engineers;
- (2) Architects;
- (3) Electricians licensed under chapter 19.28 RCW;
- (4) Plumbers licensed under chapter 18.106 RCW;
- (5) Pesticide operators licensed under chapter 17.21 RCW; or
- (6) Structural pest inspectors licensed under chapter 15.58 RCW.

NEW SECTION. Sec. 18. RECIPROCITY. Persons licensed as home inspectors in other states may become licensed as home inspectors under this chapter as long as the other state has licensing requirements that meet or exceed those required under this chapter and the person seeking a license under this chapter passes the Washington portion of the exam under section 8 of this act.

NEW SECTION. Sec. 19. STRUCTURAL PEST INSPECTOR. Any person licensed under this chapter who is not also licensed as a pest inspector under chapter 15.58 RCW shall only refer in his or her report to rot or conducive conditions for wood destroying organisms and shall refer the identification of or damage by wood destroying insects to a structural pest inspector licensed under chapter 15.58 RCW.

NEW SECTION. Sec. 20. Captions used in this chapter are not any part of the law.

Sec. 21. RCW 18.235.020 and 2007 c 256 s 12 are each amended to read as follows:

- (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.
- (2)(a) The director has authority under this chapter in relation to the following businesses and professions:
 - (i) Auctioneers under chapter 18.11 RCW;
 - (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
 - (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;
- (vii) Driver training schools and instructors under chapter 46.82 RCW;
- (viii) Employment agencies under chapter 19.31 RCW;
- (ix) For hire vehicle operators under chapter 46.72 RCW;
- (x) Limousines under chapter 46.72A RCW;
- (xi) Notaries public under chapter 42.44 RCW;
- (xii) Private investigators under chapter 18.165 RCW;
- (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
- (xiv) Real estate appraisers under chapter 18.140 RCW;
- (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;
- (xvi) Security guards under chapter 18.170 RCW;
- (xvii) Sellers of travel under chapter 19.138 RCW;
- (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW; ~~(and)~~
- (xix) Whitewater river outfitters under chapter 79A.60 RCW; and
- (xx) Home inspectors under chapter 18.-- RCW (the new chapter created in section 25 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.

Sec. 22. RCW 43.24.150 and 2005 c 25 s 1 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.-- RCW, home inspectors (the new chapter created in section 25 of this act);

- (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.

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.

NEW SECTION. Sec. 23. A new section is added to chapter 18.58 RCW to read as follows:

A person licensed as a home inspector under chapter 18.-- RCW (the new chapter created in section 25 of this act) is exempt from licensing as a structural pest inspector except when reporting on the identification of or damage by wood destroying insects.

NEW SECTION. Sec. 24. A new section is added to chapter 18.85 RCW to read as follows:

The commission must establish procedures, to be adopted in rule by the director, for real estate agents to follow when providing potential home buyers with home inspector referrals.

NEW SECTION. Sec. 25. Sections 1 through 20 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 26. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

SSB 6675 Prime Sponsor, Senate Committee on Higher Education: Allowing public technical colleges to offer associate transfer degrees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

March 3, 2008

ESB 6744 Prime Sponsor, Senator Fraser: Concerning homeowners' associations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) By December 10, 2008, the department of community, trade, and economic development shall conduct a study of improved dispute resolution processes for homeowners' association members and boards of directors. The study shall evaluate the feasibility of creating either state or local appeals boards or state or local ombudsman offices to provide dispute resolution services and information to homeowners' association members and boards of directors about their rights and duties under chapter 64.38 RCW. The study must include:

(a) Trends in the number of housing communities or cooperatives subject to chapter 64.38 RCW and the number of people living in them;

(b) The estimated number of homeowners' association members and boards of directors who would make use of the ombudsman or appeals board services;

(c) The estimated expense of providing such services and potential sources of revenue to support them;

(d) A recommendation regarding whether such services should be provided; and

(e) If such services are recommended, the structures and procedures for providing the services and potential revenues for financing them.

(2) The department of community, trade, and economic development shall appoint an advisory committee of up to twelve members to assist with the study. The speaker of the house of representatives and the majority leader of the senate may each appoint one Representative one senator from each of the two largest caucuses to serve on the advisory committee on an ex officio basis. Legislative and nonlegislative members of the advisory committee shall receive travel expense reimbursement in accordance with RCW 44.04.120, 43.03.050, and 43.03.060.

(3) Administrative and clerical support shall be provided by the department of community, trade, and economic development.

(4) Recommendations shall be reported to the legislature and governor by December 10, 2008.

NEW SECTION. Sec. 2. (1) The department of community, trade, and economic development shall create a task force of up to thirteen members to provide recommendations on model declarations and a method for distributing information on homeowners' associations to prospective buyers. The task force shall draft one or more model declarations for use by declarants forming homeowners' associations. In developing the model declarations, the task force shall review declarations creating homeowners' associations that are currently used in Washington state and other states. The task force shall also draft proposed legislation that provides an effective method for distributing information about a lot's homeowners' association to that lot's prospective buyer. In developing the proposed legislation, the task force shall review the methods used in Washington state and other states.

(2) The task force membership shall include:

(a) Two board members representing two different homeowners' associations;

(b) Three homeowners who own a home that is their primary residence in a community or cooperative that is governed by chapter 64.38 RCW;

(c) Two attorneys with expertise in homeowners' association formation;

(d) A representative from the department of community, trade, and economic development; and

(e) A representative of city governments.

The speaker of the house of representatives and the majority leader of the senate may each appoint one Representative one senator from each of the two largest caucuses to serve on the task force on an ex officio basis.

(3) The task force shall convene as soon as possible upon the appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Administrative and clerical support shall be provided by the department of community, trade, and economic development.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) By December 10, 2008, the task force shall provide a report of recommended model declarations and proposed legislation to the legislature and the governor.

NEW SECTION. Sec. 3. This act expires December 31, 2008.

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

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; Sullivan and Walsh.

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

Passed to Committee on Rules for second reading.

March 3, 2008

ESSB 6792 Prime Sponsor, Senate Committee on Human Services & Corrections: Concerning dependency matters. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.215 and 2007 c 413 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination (~~or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights~~); and

(d) (~~Absent good cause,~~) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, ~~((it appears))~~ the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether

reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

~~((+0))~~ (11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

~~((+H))~~ (12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

~~((+2))~~ (13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes

gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

Sec. 2. RCW 13.34.065 and 2007 c 413 s 5 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the

supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive ~~((parent))~~ household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. ~~((However;))~~ The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service, except that if the court determines there is reasonable cause to believe the abuse of alcohol or controlled substances or unmet mental health needs are contributing factors to the alleged abuse or neglect or inability to properly provide care for the child, the court may order the parent to participate in a comprehensive chemical dependency or mental health evaluation as arranged by the department;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, ~~((and the child was initially placed with a relative pursuant to RCW 13.34.060(1);))~~ the court shall order ~~((continued))~~ placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be

jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 3. RCW 13.34.136 and 2007 c 413 s 7 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(4)~~) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a

parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~(4)~~) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 4. RCW 26.44.063 and 2000 c 119 s 12 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home or the care of a parent, guardian, or legal custodian often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged ~~((offender))~~ abuser, rather than the child, shall be removed or restrained from the ~~((home))~~ child's residence and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, ~~((13.34.130))~~ chapter 13.34 RCW, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court;

(c) Having any contact with the alleged victim, except as specifically authorized by the court;

(d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) If the caretaker is willing, and does comply with the duties prescribed in subsection (8) of this section, uncertainty by the caretaker that the alleged abuser has in fact abused the alleged victim shall not, alone, be a basis to remove the alleged victim from the caretaker, nor shall it be considered neglect.

(4) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

~~((4))~~ (5) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

~~((5))~~ (6) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((6))~~ (7) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

~~((7))~~ (8) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any

violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

~~((8))~~ (9) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

~~((9))~~ (10) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 5. RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007 c 375 s 12 are each reenacted and amended to read as follows:

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

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

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

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

(5) The secretary shall:

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

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are ~~((defendants))~~ respondents in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:

(A) Outpatient services;

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

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

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

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

vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

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

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

(ii) Regional support networks; and

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

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

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

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

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

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

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

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

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

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

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

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

(o) Certify crisis stabilization units that meet state minimum standards; and

(p) Certify clubhouses that meet state minimum standards.

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

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

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

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

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

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

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

(13) The standards for certification of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

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

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

(17) The secretary shall:

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

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

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

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

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

Sec. 6. RCW 74.13.031 and 2007 c 413 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency (~~(= PROVIDED; That)~~). An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) ~~(Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature)~~ Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where

authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and

III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department letterhead, verifying the following:

- (i) The youth is a minor who resides in Washington;
- (ii) Pursuant to a court order, the youth is dependent and the department or other supervising agency is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;
- (iii) The youth's full name and date of birth;
- (iv) The youth's social security number, if available;
- (v) A brief physical description of the youth;
- (vi) The appropriate address to be listed on the youth's identicard; and
- (vii) Contact information for the appropriate person at the department.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

- (a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or
- (b) Hand-delivered to a local office of the department of licensing by a department case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 8. RCW 46.20.035 and 2004 c 249 s 2 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An Immigration and Naturalization Service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to section 7 of this act.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

Sec. 9. RCW 41.06.142 and 2002 c 354 s 208 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1) ~~((and))~~, ~~(4)~~ ~~((through (6)))~~, and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) ~~((The joint legislative audit and review committee shall conduct a performance audit of the implementation of this section, including the adequacy of the appeals process in subsection (4)(d) of this section, and report to the legislature by January 1, 2007, on the results of the audit.))~~ The requirements of this section do not apply to RCW 74.13.031(5).

NEW SECTION. Sec. 10. A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department.

Sec. 11. RCW 74.15.240 and 1999 c 267 s 14 are each amended to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived in a HOPE center or in a secure crisis residential center. However, if the minor's caseworker determines that placement in a responsible living skills program would be the most appropriate placement given the minor's current circumstances, prior residence in a HOPE center or secure crisis residential center before placement in a responsible living program is not required. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

NEW SECTION. Sec. 12. Section 6 of this act takes effect December 31, 2008.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member;

Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson; Chandler; Cody; Conway; Darneille; Ericks; Fromhold; Grant; Green; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDonald; McIntire; Morrell; Pettigrew; Priest; Ross; Schmick; Schual-Berke; Seaquist; Sullivan and Walsh.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet, and first and second supplemental standing committee reports sheets under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278,
SECOND SUBSTITUTE SENATE BILL NO. 6377,
SENATE BILL NO. 6381,
SUBSTITUTE SENATE BILL NO. 6457,
SECOND SUBSTITUTE SENATE BILL NO. 6483,
SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6711,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,
SUBSTITUTE SENATE BILL NO. 6933,

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., March 4, 2008, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

