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**SIXTY-FIRST LEGISLATURE - REGULAR SESSION**

**ONE HUNDRED THIRD DAY**

House Chamber, Olympia, Friday, April 24, 2009

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Garon and Aaron Roper. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Ed Orcutt.

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

**MESSAGES FROM THE SENATE**

April 23, 2009

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1290,  
ENGROSSED HOUSE BILL NO. 1616,  
HOUSE BILL NO. 2359,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2343,  
HOUSE BILL NO. 2347,  
HOUSE BILL NO. 2349,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION AND FIRST READING**

HB 2386 by Representatives Taylor, Alexander, Angel, Shea, Johnson, Ross, Dammeier, Klippert, Schmick, Crouse, Short, Cox, Warnick, Haler, Hinkle, Orcutt, Herrera, Smith and McCune

AN ACT Relating to requiring a seventy-two hour budget review period prior to hearings or votes on appropriation and revenue bills; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESSB 5073 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Swecker, Benton and Parlette)

AN ACT Relating to consolidating accounts into the state general fund; amending RCW 3.50.100, 3.58.060, 3.62.020, 3.62.040, 7.68.030, 7.68.035, 7.68.085, 9.41.110, 9A.82.110, 9.68A.120, 10.82.070, 10.82.090, 10.105.010, 28A.150.380, 28A.505.210, 28A.505.220, 35.20.220, 36.18.012, 36.18.025, 36.70A.130, 39.42.070, 41.05.068, 43.08.250, 43.17.150, 43.41.260, 43.79.480, 43.99H.060, 43.99K.030, 43.99L.040, 43.135.025, 46.61.5058, 46.64.055, 66.24.210, 66.24.290, 67.70.240, 67.70.340, 69.50.505, 70.05.125, 70.47.015, 70.96A.350, 70.146.010, 70.146.020, 70.146.030, 70.146.040, 70.146.075, 70.190.010, 70.190.100, 72.09.111, 74.09.053, 77.12.201, 82.08.150, 82.24.026, 82.24.027, 82.24.028, 82.26.020, 82.64.020, 84.52.067, and 90.71.370; reenacting and amending RCW 2.56.030, 36.18.020, 43.84.092, 43.135.035, 43.135.045, 46.63.110, 48.14.0201, 70.146.060, 72.09.480, 82.04.260, and 82.24.020; creating a new section; repealing RCW 43.72.900, 69.50.520, 70.146.080, 82.32.390, and 84.52.068; providing an effective date; and declaring an emergency.

ESB 6166 by Senators Hargrove, Ranker, Rockefeller, Jacobsen and Morton

AN ACT Relating to the sale of timber from state trust lands; amending RCW 79.15.510, 79.15.520, and 79.15.060; adding a new section to chapter 79.15 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, except ENGROSSED SUBSTITUTE SENATE BILL NO. 5073 which was placed on the second reading calendar.

**MESSAGES FROM THE SENATE**

April 23, 2009

Mr. Speaker:

The Senate has granted the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5574. The President has appointed the following members as Conferees: Senators Kohl-Welles, Kauffman and Holmquist, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The President has appointed the following members as Conferees for the Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5840: Senators Brown, Rockefeller and Honeyford, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5107,  
SUBSTITUTE SENATE BILL NO. 5252,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850,  
SECOND SUBSTITUTE SENATE BILL NO. 5973,  
ENGROSSED SENATE BILL NO. 6033,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 5995, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5166,  
SUBSTITUTE SENATE BILL NO. 5391,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,  
SUBSTITUTE SENATE BILL NO. 5718,  
SUBSTITUTE SENATE BILL NO. 5723,  
SUBSTITUTE SENATE BILL NO. 5725,  
SUBSTITUTE SENATE BILL NO. 5732,  
SUBSTITUTE SENATE BILL NO. 5931,  
SECOND SUBSTITUTE SENATE BILL NO. 5945,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,  
SENATE BILL NO. 5974,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,  
SUBSTITUTE SENATE BILL NO. 6009,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015,  
SUBSTITUTE SENATE BILL NO. 6016,  
SUBSTITUTE SENATE BILL NO. 6036,  
SENATE BILL NO. 6070,  
SUBSTITUTE SENATE BILL NO. 6088,  
SUBSTITUTE SENATE BILL NO. 6095,  
SENATE BILL NO. 6104,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6122,

SENATE BILL NO. 6165,  
SUBSTITUTE SENATE BILL NO. 6171,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

#### MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018. Under suspension of the rules, Engrossed Substitute House Bill No. 1018 was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ((Except as provided in subsection (4) of this section,)) A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ((first)) second Tuesday ((after the first Monday)) in February;

(b) ((The second Tuesday in March;

(c)) The fourth Tuesday in April;

(((((d))) (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;

(((((e))) (d) The day of the primary as specified by RCW 29A.04.311; or

(((((f))) (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through (((d))) (c) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days

prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)((e)) (d) or ((f)) (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ((f)) (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(6)) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

**Sec. 2.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ((Except as provided in subsection (4) of this section,)) A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The ((first)) second Tuesday ((after the first Monday)) in February;
- (b) ((The second Tuesday in March;
- (c)) The fourth Tuesday in April;
- ((d) The third Tuesday in May;

(e)) (c) The day of the primary as specified by RCW 29A.04.311; or

((f)) (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ((through (d))) and (b) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)((e)) (c) or ((f)) (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ((f)) (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(6)) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

**Sec. 3.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

- (a) Elections for the recall of any elective public officer;
- (b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ((Except as provided in subsection (3) of this section,)) Such a special election shall be held on one of the following dates as decided by the governing body:

- (a) The ((first)) second Tuesday ((after the first Monday)) in February;
- (b) ((The second Tuesday in March;
- (c)) The fourth Tuesday in April;
- ((d)) (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;
- ((e)) (d) The day of the primary election as specified by RCW 29A.04.311; or
- ((f)) (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through ((d)) (c) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)((e)) (d) or ((f)) (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5)) In addition to subsection (2)(a) through ((f)) (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)((e)) (d) and ((f)) (e) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

((6)) (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

**Sec. 4.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ((Except as provided in subsection (3) of this section,)) Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ((first)) second Tuesday ((after the first Monday)) in February;

(b) ((The second Tuesday in March;

(c)) The fourth Tuesday in April;

((d) The third Tuesday in May;

(e)) (c) The day of the primary election as specified by RCW 29A.04.311; or

((f)) (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ((through (d))) and (b) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)((e)) (c) or ((f)) (d) of this

section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5)) In addition to subsection (2)(a) through ((f)) (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)((e)) (c) and ((f)) (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

((6)) (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

**NEW SECTION. Sec. 5.** Sections 1 and 3 of this act expire July 1, 2011.

**NEW SECTION. Sec. 6.** Sections 2 and 4 of this act take effect July 1, 2011."

On page 1, line 2 of the title, after "held;" strike the remainder of the title and insert "amending RCW 29A.04.321, 29A.04.321, 29A.04.330, and 29A.04.330; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Appleton, Herrera and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1018, as amended by the Senate.

#### MOTIONS

On motion of Representative Santos, Representatives Hasegawa, Kirby and Liias were excused. On motion of Representative Hinkle, Representatives Armstrong and Short were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1018, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1119. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. SHORT TITLE.** This act may be known and cited as the uniform prudent management of institutional funds act.

**NEW SECTION. Sec. 2. DEFINITIONS.** In this chapter:

(1) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.

(2) "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. "Endowment fund" does not include assets that an institution designates as an endowment fund for its own use.

(3) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(4) "Institution" means:

(a) A person, other than an individual, organized and operated exclusively for charitable purposes;

(b) A government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or

(c) A trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.

(5) "Institutional fund" means a fund held by an institution exclusively for charitable purposes. "Institutional fund" does not include:

(a) Program-related assets;

(b) A fund held for an institution by a trustee that is not an institution; or

(c) A fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) "Program-related asset" means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment.

(8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

**NEW SECTION. Sec. 3. STANDARD OF CONDUCT IN MANAGING AND INVESTING INSTITUTIONAL FUND.** (1) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(2) In addition to complying with the duty of loyalty imposed by law other than this chapter, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(3) In managing and investing an institutional fund, an institution:

(a) May incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution; and

(b) Shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(4) An institution may pool two or more institutional funds for purposes of management and investment.

(5) Except as otherwise provided by a gift instrument, the following rules apply:

(a) In managing and investing an institutional fund, the following factors, if relevant, must be considered:

(i) General economic conditions;

(ii) The possible effect of inflation or deflation;

(iii) The expected tax consequences, if any, of investment decisions or strategies;

(iv) The role that each investment or course of action plays within the overall investment portfolio of the fund;

(v) The expected total return from income and the appreciation of investments;

(vi) Other resources of the institution;

(vii) The needs of the institution and the institutional fund to make distributions and to preserve capital; and

(viii) An asset's special relationship or special value, if any, to the charitable purposes of the institution.

(b) Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the institutional fund and to the institution.

(c) Except as otherwise provided by law, an institution may invest in any kind of property or type of investment consistent with this section.

(d) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.

(e) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio, in order to bring the institutional fund into compliance with the purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this chapter.

(f) A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

**NEW SECTION. Sec. 4. APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF ENDOWMENT FUND--RULES OF CONSTRUCTION.** (1) Subject to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

- (a) The duration and preservation of the endowment fund;
- (b) The purposes of the institution and the endowment fund;
- (c) General economic conditions;
- (d) The possible effect of inflation or deflation;
- (e) The expected total return from income and the appreciation of investments;
- (f) Other resources of the institution; and
- (g) The investment policy of the institution.

(2) To limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section, a gift instrument must specifically state the limitation.

(3) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income," "interest," "dividends," or "rents, issues, or profits," or "to preserve the principal intact," or words of similar import:

(a) Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and

(b) Do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section.

**NEW SECTION. Sec. 5. DELEGATION OF MANAGEMENT AND INVESTMENT FUNCTIONS.** (1) Subject to any specific limitation set forth in a gift instrument or in law other than this chapter, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

(a) Selecting an agent;

(b) Establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and

(c) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(2) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(3) An institution that complies with subsection (1) of this section is not liable for the decisions or actions of an agent to which the function was delegated.

(4) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(5) An institution may delegate management and investment functions to its committees, officers, or employees as authorized by law.

**NEW SECTION. Sec. 6. RELEASE OR MODIFICATION OF RESTRICTIONS ON MANAGEMENT, INVESTMENT, OR PURPOSE.** (1) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(2) The court, upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard. To the extent practicable, any modification must be made in accordance with the donor's probable intention.

(3) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard.

(4) If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible to achieve, or wasteful, the institution, sixty days after notification to the attorney general, may release or modify the restriction, in whole or part, if:

(a) The institutional fund subject to the restriction has a total value of less than seventy-five thousand dollars. On the first day of July of each year, beginning on July 1, 2011, the dollar limit provided in this subsection (4)(a) shall increase by an amount of two thousand five hundred dollars;

(b) More than twenty years have elapsed since the fund was established; and

(c) The institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.

**NEW SECTION. Sec. 7. REVIEWING COMPLIANCE.** Compliance with this chapter is determined in light of the facts and circumstances existing at the time a decision is made or action is taken, and not by hindsight.

**NEW SECTION. Sec. 8. APPLICATION TO EXISTING INSTITUTIONAL FUNDS.** (1) Before July 1, 2009, this chapter applies to an institutional fund existing on the effective date of this act only if the institution's governing body elects to apply this chapter to the institutional fund before July 1, 2009.

(2) On and after July 1, 2009, this chapter applies to all institutional funds.

(3) As applied to institutional funds existing on the effective date of this act, this chapter governs only decisions made or actions taken on or after July 1, 2009, except that in the case of an institution that makes the election under subsection (1) of this section this chapter governs decisions made or actions taken on or after the date the institution elects to be covered by this chapter.

**NEW SECTION. Sec. 9. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.), but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(a), or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

**NEW SECTION. Sec. 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**NEW SECTION. Sec. 11. CAPTIONS NOT LAW.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 12.** Sections 1 through 11 of this act constitute a new chapter in Title 24 RCW.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed, effective July 1, 2009:

§ RCW 24.44.010 (Definitions) and 1973 c 17 s 1;

§ RCW 24.44.020 (Appropriation of appreciation) and 1973 c 17 s 2;

§ RCW 24.44.030 (Investment authority) and 1973 c 17 s 3;

§ RCW 24.44.040 (Delegation of investment management) and 1973 c 17 s 4;

§ RCW 24.44.050 (Standard of conduct) and 1973 c 17 s 5;

§ RCW 24.44.060 (Release of restrictions on use or investments) and 1973 c 17 s 6;

§ RCW 24.44.070 (Uniformity of application and construction) and 1973 c 17 s 8;

§ RCW 24.44.080 (Short title) and 1973 c 17 s 9;

§ RCW 24.44.090 (Section headings) and 1973 c 17 s 10; and

§ RCW 24.44.900 (Severability--1973 c 17) and 1973 c 17 s 7.

**NEW SECTION. Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding a new chapter to Title 24 RCW; repealing RCW 24.44.010, 24.44.020, 24.44.030, 24.44.040, 24.44.050, 24.44.060, 24.44.070, 24.44.080, 24.44.090, and 24.44.900; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1119 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1119, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1119, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE HOUSE BILL NO. 1119, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) For purposes of this section:

(a) "Customer" means an individual who is lawfully on the premises of a retail establishment.

(b) "Eligible medical condition" means:

(i) Crohn's disease, ulcerative colitis, or any other inflammatory bowel disease;

(ii) Irritable bowel syndrome;

(iii) Any condition requiring use of an ostomy device; or

(iv) Any permanent or temporary medical condition that requires immediate access to a restroom.

(c) "Employee restroom" means a restroom intended for employees only in a retail facility and not intended for customers.

(d) "Health care provider" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, an osteopathic physicians assistant licensed under chapter 18.57A RCW, a physician or surgeon licensed under chapter 18.71 RCW, or a physician assistant licensed under chapter 18.71A RCW.

(e) "Retail establishment" means a place of business open to the general public for the sale of goods or services. Retail establishment does not include any structure such as a filling station, service station, or restaurant of eight hundred square feet or less that has an employee restroom located within that structure.

(2) A retail establishment that has an employee restroom must allow a customer with an eligible medical condition to use that employee restroom during normal business hours if:

(a) The customer requesting the use of the employee restroom provides in writing either:

(i) A signed statement by the customer's health care provider on a form that has been prepared by the department of health under subsection (4) of this section; or

(ii) An identification card that is issued by a nonprofit organization whose purpose includes serving individuals who suffer from an eligible medical condition; and

(b) One of the following conditions are met:

(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the restroom facility does not pose a security risk to the retail establishment or its employees.

(3) A retail establishment that has an employee restroom must allow a customer to use that employee restroom during normal business hours if:

(a)(i) Three or more employees of the retail establishment are working at the time the customer requests use of the employee restroom; and

(ii) The retail establishment does not normally make a restroom available to the public; and

(b)(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the employee restroom does not pose a security risk to the retail establishment or its employees.

(4) The department of health shall develop a standard electronic form that may be signed by a health care provider as evidence of the existence of an eligible medical condition as required by subsection (2) of this section. The form shall include a brief description of a customer's rights under this section and shall be made available for a customer or his or her health care provider to access by computer. Nothing in this section requires the department to distribute printed versions of the form.

(5) Fraudulent use of a form as evidence of the existence of an eligible medical condition is a misdemeanor punishable under RCW 9A.20.010.

(6) For a first violation of this section, the city or county attorney shall issue a warning letter to the owner or operator of the retail establishment, and to any employee of a retail establishment who denies access to an employee restroom in violation of this section, informing the owner or operator of the establishment and employee of the requirements of this section. A retail establishment or an employee of a retail establishment that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(7) A retail establishment is not required to make any physical changes to an employee restroom under this section and may require that an employee accompany a customer or a customer with an eligible medical condition to the employee restroom.

(8) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer or a customer with an eligible medical condition to use an employee restroom if the act or omission meets all of the following:

(a) It is not willful or grossly negligent;

(b) It occurs in an area of the retail establishment that is not accessible to the public; and

(c) It results in an injury to or death of the customer or the customer with an eligible medical condition or any individual other than an employee accompanying the customer or the customer with an eligible medical condition."

On page 1, line 2 of the title, after "establishment;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1138, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1138, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks,



Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, as amended by the Senate.

JIM MCCUNE, 2nd District

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, as amended by the Senate.

MATTHEW SHEA, 4th District

**MESSAGE FROM THE SENATE**

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1170. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 26.09.004 and 2008 c 6 s 1003 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation which is incorporated in a temporary order.

(2) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation.

(3) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(f) Providing for the financial support of the child.

(4) "Military duties potentially impacting parenting functions" means those obligations imposed, voluntarily or involuntarily, on a parent serving in the armed forces that may interfere with that parent's abilities to perform his or her parenting functions under a temporary or permanent parenting plan. Military duties potentially impacting parenting functions include, but are not limited to:

(a) "Deployment," which means the temporary transfer of a service member serving in an active-duty status to another location in support of a military operation, to include any tour of duty classified by the member's branch of the armed forces as "remote" or "unaccompanied";

(b) "Activation" or "mobilization," which means the call-up of a national guard or reserve service member to extended active-duty status. For purposes of this definition, "mobilization" does not include national guard or reserve annual training, inactive duty days, or drill weekends; or

(c) "Temporary duty," which means the transfer of a service member from one military base or the service member's home to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

**Sec. 2.** RCW 26.09.010 and 2008 c 6 s 1004 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage or domestic partnership, legal separation or a declaration concerning the validity of a marriage or domestic partnership shall be entitled "In re the marriage of . . . . . and . . . . ." or "In re the domestic partnership of . . . . . and . . . . ." Such proceedings may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital or domestic partnership status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of . . . . ."

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage or domestic partnership shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

(7) In order to provide a means by which to facilitate a fair, efficient, and swift process to resolve matters regarding custody and visitation when a parent serving in the armed forces receives temporary duty, deployment, activation, or mobilization orders from the military, the court shall, upon motion of such a parent:

(a) For good cause shown, hold an expedited hearing in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability, or

anticipated ability, to appear in person at a regularly scheduled hearing; and

(b) Upon reasonable advance notice to the affected parties and for good cause shown, allow the parent to present testimony and evidence by electronic means in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing. The phrase "electronic means" includes communication by telephone, video teleconference, or the internet.

**Sec. 3.** RCW 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does

not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the

discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party."

On page 1, line 2 of the title, after "parent;" strike the remainder of the title and insert "and amending RCW 26.09.004, 26.09.010, and 26.09.260."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1170 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McCoy and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1170, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1170, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE HOUSE BILL NO. 1170, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1553. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.96.020 and 2006 c 82 s 3 are each amended to read as follows:

(1) The provisions of this section apply to claims for damages against all local governmental entities and their officers, employees, or volunteers, acting in such capacity, except that claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter.

(2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, shall be presented to the agent within the applicable period of limitations within which an action must be commenced. A claim is deemed presented when the claim form is delivered in person or is received by the agent by regular mail, registered mail, or certified mail, with return receipt requested, to the agent or other person designated to accept delivery at the agent's office. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.

(3) ~~(All claims for damages arising out of tortious conduct must locate and describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the~~

time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.)) For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division of the office of financial management, except as allowed under (c) of this subsection. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

- (i) The claimant's name, date of birth, and contact information;
- (ii) A description of the conduct and the circumstances that brought about the injury or damage;
- (iii) A description of the injury or damage;
- (iv) A statement of the time and place that the injury or damage occurred;
- (v) A listing of the names of all persons involved and contact information, if known;
- (vi) A statement of the amount of damages claimed; and
- (vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

- (i) By the claimant, verifying the claim;
- (ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;
- (iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or
- (iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) Local governmental entities shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity. If a local governmental entity chooses to also make available its own tort claim form in lieu of the standard tort claim form, the form:

- (i) May require additional information beyond what is specified under this section, but the local governmental entity may not deny a claim because of the claimant's failure to provide that additional information;
- (ii) Must not require the claimant's social security number; and
- (iii) Must include instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity appointed to receive the claim.

(d) If any claim form provided by the local governmental entity fails to require the information specified in this section, or incorrectly lists the agent with whom the claim is to be filed, the local governmental entity is deemed to have waived any defense related to the failure to provide that specific information or to present the claim to the proper designated agent.

(e) Presenting either the standard tort claim form or the local government tort claim form satisfies the requirements of this chapter.

(f) The amount of damages stated on the claim form is not admissible at trial.

(4) No action subject to the claim filing requirements of this section shall be commenced against any local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim has first been presented to ~~((and filed with))~~ the agent of the governing body thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty(=) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed.

(5) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory.

**Sec. 2.** RCW 4.92.100 and 2006 c 82 s 1 are each amended to read as follows:

(1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, except for claims involving injuries from health care, shall be presented to ~~((and filed with))~~ the risk management division. ~~((All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.))~~ Claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter. A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail, with return receipt requested, to the risk management division. For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

- (i) The claimant's name, date of birth, and contact information;
- (ii) A description of the conduct and the circumstances that brought about the injury or damage;
- (iii) A description of the injury or damage;
- (iv) A statement of the time and place that the injury or damage occurred;
- (v) A listing of the names of all persons involved and contact information, if known;
- (vi) A statement of the amount of damages claimed; and
- (vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

- (i) By the claimant, verifying the claim;
- (ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the risk management division. The standard tort claim form must not list the claimant's social security number and must not require information not specified under this section.

(3) With respect to the content of ((such)) claims under this section and all procedural requirements in this section, this section ((shall)) must be liberally construed so that substantial compliance will be deemed satisfactory.

**Sec. 3.** RCW 4.92.110 and 2006 c 82 s 2 are each amended to read as follows:

No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to ((and filed with)) the risk management division. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty((-)) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "and amending RCW 4.96.020, 4.92.100, and 4.92.110."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1553 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Takko spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1553, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1553, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase,

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

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

HOUSE BILL NO. 1553, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1592. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 25.15.270 and 2006 c 48 s 4 are each amended to read as follows:

A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1)(a) The dissolution date, if any, specified in the certificate of formation. If a dissolution date is not specified in the certificate of formation, the limited liability company's existence will continue until the first to occur of the events described in subsections (2) through (6) of this section. If a dissolution date is specified in the certificate of formation, the certificate of formation may be amended and the existence of the limited liability company may be extended by vote of all the members(;;).

(b) This subsection does not apply to a limited liability company formed under RCW 30.08.025 or 32.08.025(;;);

(2) The happening of events specified in a limited liability company agreement;

(3) The written consent of all members;

(4) Unless the limited liability company agreement provides otherwise, ninety days following an event of dissociation of the last remaining member, unless those having the rights of assignees in the limited liability company under RCW 25.15.130(1) have, by the ninetieth day, voted to admit one or more members, voting as though they were members, and in the manner set forth in RCW 25.15.120(1);

(5) The entry of a decree of judicial dissolution under RCW 25.15.275; or

(6) The expiration of((two)) five years after the effective date of dissolution under RCW 25.15.285 without the reinstatement of the limited liability company.

**Sec. 2.** RCW 25.15.290 and 1994 c 211 s 805 are each amended to read as follows:

(1) A limited liability company administratively dissolved under RCW 25.15.285 may apply to the secretary of state for reinstatement

within ((two)) five years after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its administrative dissolution;

(b) State that the ground or grounds for dissolution either did not exist or have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice, as provided in RCW 25.15.285(1), of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited liability company may resume carrying on its business as if the administrative dissolution had never occurred.

(4) If an application for reinstatement is not made within the ((two-year)) five-year period set forth in subsection (1) of this section, or if the application made within this period is not granted, the ((secretary of state shall cancel the)) limited liability company's certificate of formation is deemed canceled.

**NEW SECTION. Sec. 3.** A new section is added to chapter 25.15 RCW under the subchapter heading "Article VIII. Dissolution" to read as follows:

(1) A limited liability company voluntarily dissolved under RCW 25.15.270 may apply to the secretary of state for reinstatement within one hundred twenty days after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its voluntary dissolution;

(b) State that the ground or grounds for voluntary dissolution have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the voluntary dissolution and the limited liability company may resume carrying on its business as if the voluntary dissolution had never occurred.

(4) If an application for reinstatement is not made within the one hundred twenty-day period set forth in subsection (1) of this section, or if the application made within this period is not granted, the secretary of state shall cancel the limited liability company's certificate of formation.

**Sec. 4.** RCW 25.05.500 and 1998 c 103 s 1101 are each amended to read as follows:

(1) A partnership which is not a limited liability partnership on June 11, 1998, may become a limited liability partnership upon the approval of the terms and conditions upon which it becomes a limited liability partnership by the vote necessary to amend the partnership

agreement except, in the case of a partnership agreement that expressly considers obligations to contribute to the partnership, the vote necessary to amend those provisions, and by filing the applications required by subsection (2) of this section. A partnership which is a limited liability partnership on June 11, 1998, continues as a limited liability partnership under this chapter.

(2)(a) To become and to continue as a limited liability partnership, a partnership shall file with the secretary of state an application stating the name of the partnership; the location of a registered office, which need not be a place of its activity in this state; the address of its principal office; if the partnership's principal office is not located in this state, the address of a registered office and the name and address of a registered agent for service of process in this state which the partnership will be required to continuously maintain; the number of partners; a brief statement of the business in which the partnership engages; any other matters that the partnership determines to include; and that the partnership thereby applies for status as a limited liability partnership.

(b) A registered agent for service of process under (a) of this subsection must be an individual who is a resident of this state or other person authorized to do business in this state.

(3) The application shall be accompanied by a fee of one hundred seventy-five dollars for each partnership.

(4) The secretary of state shall register as a limited liability partnership any partnership that submits a completed application with the required fee.

(5) A partnership registered under this section shall pay an annual fee, in each year following the year in which its application is filed, on a date and in an amount specified by the secretary of state. The fee must be accompanied by a notice, on a form provided by the secretary of state, of the number of partners currently in the partnership and of any material changes in the information contained in the partnership's application for registration.

(6) Registration is effective immediately after the date an application is filed, and remains effective until:

(a) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority of the partners or by one or more partners or other persons authorized to execute a withdrawal notice; or

(b) Thirty days after receipt by the partnership of a notice from the secretary of state, which notice shall be sent by first-class mail, postage prepaid, that the partnership has failed to make timely payment of the annual fee specified in subsection (5) of this section, unless the fee is paid within such a thirty-day period.

(7) The status of a partnership as a limited liability partnership, and the liability of the partners thereof, shall not be affected by: (a) Errors in the information stated in an application under subsection (2) of this section or a notice under subsection (6) of this section; or (b) changes after the filing of such an application or notice in the information stated in the application or notice.

(8) The secretary of state may provide forms for the application under subsection (2) of this section or a notice under subsection (6) of this section.

**NEW SECTION. Sec. 5. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS.** (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of process, a limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

(a) The name of the limited liability partnership;

(b) The street and mailing address of its current registered office;

(c) If the current registered office is to be changed, the street and mailing address of the new registered office;

(d) The name and street and mailing address of its current registered agent for service of process; and

(e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

(2) A statement of change is effective when filed by the secretary of state.

**NEW SECTION. Sec. 6. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS.** (1) In order to resign as a registered agent for service of process of a limited liability partnership, the registered agent must deliver to the secretary of state for filing a statement of resignation containing the name of the limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

**NEW SECTION. Sec. 7. SERVICE OF PROCESS.** (1) A registered agent for service of process appointed by a limited liability partnership is a registered agent of the limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the limited liability partnership.

(2) If a limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

(a) The date the limited liability partnership receives the process, notice, or demand;

(b) The date shown on the return receipt, if signed on behalf of the limited liability partnership; or

(c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

**NEW SECTION. Sec. 8. REGISTERED OFFICE AND AGENT FOR SERVICE OF PROCESS.** (1) A foreign limited liability partnership shall designate and continuously maintain in this state:

(a) A registered office, which need not be a place of its activity in this state; and

(b) A registered agent for service of process.

(2) A registered agent for service of process of a foreign limited liability partnership must be an individual who is a resident of this state or other person authorized to do business in this state.

**NEW SECTION. Sec. 9. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS.** (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of process, a foreign limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

(a) The name of the foreign limited liability partnership;

(b) The street and mailing address of its current registered office;

(c) If the current registered office is to be changed, the street and mailing address of the new registered office;

(d) The name and street and mailing address of its current registered agent for service of process; and

(e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

(2) A statement of change is effective when filed by the secretary of state.

**NEW SECTION. Sec. 10. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS.** (1) In order to resign as a registered agent for service of process of a foreign limited liability partnership, the registered agent must deliver to the secretary of state for filing a statement of resignation containing the name of the foreign limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the foreign limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

**NEW SECTION. Sec. 11. SERVICE OF PROCESS.** (1) A registered agent for service of process appointed by a foreign limited liability partnership is a registered agent of the foreign limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the foreign limited liability partnership.

(2) If a foreign limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the foreign limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the foreign limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

(a) The date the foreign limited liability partnership receives the process, notice, or demand;

(b) The date shown on the return receipt, if signed on behalf of the foreign limited liability partnership; or

(c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

**Sec. 12.** RCW 25.05.560 and 1998 c 103 s 1203 are each amended to read as follows:

(1) A foreign limited liability partnership transacting business in this state may not maintain an action or proceeding in this state unless it has in effect a registration as a foreign limited liability partnership.

(2) The failure of a foreign limited liability partnership to have in effect a registration as a foreign limited liability partnership does not impair the validity of a contract or act of the foreign limited liability partnership or preclude it from defending an action or proceeding in this state.

(3) A limitation on personal liability of a partner is not waived solely by transacting business in this state without registration as a foreign limited liability partnership.

(4) If a foreign limited liability partnership transacts business in this state without a registration as a foreign limited liability partnership, the secretary of state is its agent, as set forth under section 11 of this act, for service of process with respect to a right of action arising out of the transaction of business in this state.

**NEW SECTION. Sec. 13.** A new section is added to chapter 24.12 RCW to read as follows:

(1) Each corporation sole registered in this state shall file, with a ten dollar filing fee and within the time prescribed by this chapter, an annual report in the form prescribed by the secretary of state. The report shall set forth:

(a) The name of the corporation sole and the state or country under the laws of which it is incorporated;

(b) The address of the principal place of business of the corporation sole in this state including street and number;

(c) The name and respective address of the bishop, overseer, or presiding elder of the corporation sole; and

(d) The corporation sole's unified business identifier number.

(2)(a) The information shall be given as of the date of the execution of the report. It shall be executed by the corporation sole by an officer of the corporation sole or, if the corporation sole is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation sole by such receiver or trustee.

(b) The secretary of state may provide that correcting or updating information appearing on previous annual or biennial filings is sufficient to constitute the current filing.

(3) The secretary may administratively dissolve a corporation sole that does not comply with this section. However, the secretary shall reinstate a corporation sole administratively dissolved under this subsection if the corporation sole complies with the requirements of section 15 of this act within five years of the administrative dissolution.

**NEW SECTION. Sec. 14.** A new section is added to chapter 24.12 RCW to read as follows:

(1) Not less than thirty days prior to a corporation sole's renewal date, the secretary of state shall mail to each corporation sole, by first-class mail addressed to its registered office, a notice that its annual report must be filed as required by this chapter, and stating that if it fails to file its annual report it shall be dissolved or its certificate of authority revoked, as the case may be. Failure of the secretary of state to mail the notice does not relieve a corporation sole from its obligation to file the annual reports required by this chapter.

(2)(a) The report of a corporation sole shall be delivered to the secretary of state on an annual renewal date as the secretary of state may establish. The secretary of state may adopt rules to establish biennial reporting dates and to stagger reporting dates.

(b) If the secretary of state finds that the report substantially conforms to the requirements of this chapter, the secretary of state shall file that report.

**NEW SECTION. Sec. 15.** A new section is added to chapter 24.12 RCW to read as follows:

(1) The secretary of state shall, when exigent or mitigating circumstances are presented, reinstate to full active status any corporation sole previously in good standing that would otherwise be penalized or lose its active status. Any corporation sole desiring to seek relief under this section shall, within five years of the missed filing or lapse, notify the secretary of state in writing. The notification must include the name and mailing address of the corporation sole, the corporate sole officer to whom correspondence should be sent, and a statement under oath by a responsible corporate sole officer, setting forth the nature of the missed filing or lapse, the circumstances of the missed filing or lapse, that disproportionate harm would occur to the corporation sole if relief were not granted, and the relief sought.

(2) Upon receipt of the notice under subsection (1) of this section, the secretary of state shall investigate the circumstances of the missed filing or lapse.

(a) If the secretary of state is satisfied that sufficient exigent or mitigating circumstances exist; that the corporation sole has demonstrated good faith and a reasonable attempt to comply with the applicable corporate sole license statutes of this state; that disproportionate harm would occur to the corporation sole if relief were not granted; and that relief would not be contrary to the public interest expressed in this title, the secretary may issue an order reinstating the corporation sole and specifying any terms and conditions of the relief. Reinstatement may relate back to the date of lapse or dissolution.

(b) If the secretary of state determines the request does not comply with the requirements for relief, the secretary shall issue an order denying the requested relief and stating the reasons for the denial. Any denial of relief by the secretary of state is final and is not appealable.

(c) The secretary of state shall keep records of all requests for relief and the disposition of the requests. The secretary of state shall annually report to the legislature the number of relief requests received in the preceding year and a summary of the secretary's disposition of the requests.

**NEW SECTION. Sec. 16.** A new section is added to chapter 24.12 RCW to read as follows:

Effective August 1, 2009, a corporation sole may not be formed or incorporated under this chapter.

**NEW SECTION. Sec. 17.** Sections 5 through 7 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 11 Limited Liability Partnership."

**NEW SECTION. Sec. 18.** Sections 8 through 11 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 12 Foreign Limited Liability Partnership."

**NEW SECTION. Sec. 19.** Captions used in this act are not any part of the law."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 25.15.270, 25.15.290, 25.05.500, and 25.05.560; adding a new section to chapter 25.15 RCW; adding new sections to chapter 24.12 RCW; adding new sections to chapter 25.05 RCW; and creating a new section."



and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1592 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1592, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1592, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE HOUSE BILL NO. 1592, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1815 the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.34.020 and 2005 c 57 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

(b)(i) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(A) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(B) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) For the purposes of (b)(i) of this subsection, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

Parcels of land described in (b)(i)(A) and (c)(i) of this subsection shall, upon any transfer of the property excluding a transfer to a surviving spouse, be subject to the limits of (b)(i)(B) and (c)(ii) of this subsection;

(d) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which meet one of the following criteria:

(i) Has produced a gross income from agricultural uses equivalent to two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) Has standing crops with an expectation of harvest within seven years, except as provided in (d)(iii) of this subsection, and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year. For the purposes of this subsection (2)(d)(ii), "standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that: (A) Are planted using agricultural methods normally used in the commercial production of that particular crop; and (B) typically do not produce harvestable quantities in the initial years after planting; or

(iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year;

(e) Any lands including incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands"; or

~~((e))~~ (f) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homestead. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

**Sec. 2.** RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after ~~((such))~~ the removal of all or a portion of the land from current use classification under subsection (1) of this section, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in

accordance with the provisions of RCW 84.40.038. The removal notice must explain the steps needed to appeal the removal decision, including when a notice of appeal must be filed, where the forms may be obtained, and how to contact the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(~~(2)~~)(~~(f)~~);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k)."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 84.34.020 and 84.34.108."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1815 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sullivan, Orcutt and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1815, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1815, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell,

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

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

ENGROSSED HOUSE BILL NO. 1815, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5436 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5436. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

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

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5436, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray, Keiser, Pflug, Marr, Parlette, Kastama and Roach)**

**Concerning direct patient-provider primary care practice arrangements.**

Representative Cody moved the adoption of amendment (896):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.150.010 and 2007 c 267 s 3 are each amended to read as follows:

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

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service

contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW(=) or plans administered under chapter 41.05, 70.47, or 70.47A RCW(~~(= or self-insured plans)~~); and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

**Sec. 2.** RCW 48.150.040 and 2007 c 267 s 6 are each amended to read as follows:

(1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, as a participant in the carrier's or any carrier's contractor or

subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05, 70.47, or 70.47A RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services (~~provided in connection with wellness physical examinations~~). In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

**Sec. 3.** RCW 48.150.050 and 2007 c 267 s 7 are each amended to read as follows:

(1) Direct practices may not decline to accept new direct patients or discontinue care to existing patients solely because of the patient's health status. A direct practice may decline to accept a patient if the practice has reached its maximum capacity, or if the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services in the direct practice. So long as the direct practice provides the patient notice and opportunity to obtain care from another physician, the direct practice may discontinue care for direct patients if: (a) The patient fails to pay the direct fee under the terms required by the direct agreement; (b) the patient has performed an act that constitutes fraud; (c) the patient repeatedly fails to comply with the recommended treatment plan; (d) the patient is abusive and presents an emotional or physical danger to the staff or other patients of the direct practice; or (e) the direct practice discontinues operation as a direct practice.

(2) Subject to the restrictions established in this chapter, direct practices may accept payment of direct fees directly or indirectly from ((nonemployer)) third parties. A direct practice may accept a direct fee paid by an employer on behalf of an employee who is a direct patient. However, a direct practice shall not enter into a contract with an employer relating to direct practice agreements between the direct practice and employees of that employer, other than to establish the timing and method of the payment of the direct fee by the employer.

**Sec. 4.** RCW 48.41.030 and 2004 c 260 s 25 are each amended to read as follows:

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

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (10) of this section.

(12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, any health maintenance organization licensed under Title 48 RCW, and any self-funded multiple employer welfare arrangement as defined in RCW 48.125.010. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by

federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" also means a direct practice as defined in RCW 48.150.010. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (10) of this section.

(15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(16) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

**Sec. 5.** RCW 48.150.110 and 2007 c 267 s 13 are each amended to read as follows:

(1) A direct agreement must include the following disclaimer: "This agreement does not provide comprehensive health insurance coverage. It provides only the health care services specifically described." The direct agreement may not be sold to a group and may not be entered with a group of subscribers. It must be an agreement between a direct practice and an individual direct patient. Nothing prohibits the presentation of marketing materials to groups of potential subscribers or their representatives. All marketing materials must be filed for approval with the commissioner prior to use. All advertising and marketing materials must be filed with the commissioner at least thirty days prior to use.

(2) A comprehensive disclosure statement shall be distributed to all direct patients with their participation forms. Such disclosure must inform the direct patients of their financial rights and responsibilities to the direct practice as provided for in this chapter, encourage that direct patients obtain and maintain insurance for services not provided by the direct practice, and state that the direct practice will not bill a carrier for services covered under the direct agreement. The disclosure statement shall include contact information for the office of the insurance commissioner."

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment.

Representative Ericksen spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 57 – YEAS; 36 – NAYS.

Amendment (896) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Green, Seaquist and Driscoll spoke in favor of the passage of the bill.

Representatives Hinkle and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 36; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Linville, Maxwell, McCoy, Miloscia, Moeller, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Morrell, Morris, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018  
 SECOND SUBSTITUTE HOUSE BILL NO. 1081  
 SUBSTITUTE HOUSE BILL NO. 1103  
 SUBSTITUTE HOUSE BILL NO. 1119  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138  
 HOUSE BILL NO. 1148  
 SUBSTITUTE HOUSE BILL NO. 1170  
 SECOND SUBSTITUTE HOUSE BILL NO. 1172  
 SECOND SUBSTITUTE HOUSE BILL NO. 1290  
 SUBSTITUTE HOUSE BILL NO. 1347  
 HOUSE BILL NO. 1517  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553  
 SUBSTITUTE HOUSE BILL NO. 1555  
 SUBSTITUTE HOUSE BILL NO. 1592  
 ENGROSSED HOUSE BILL NO. 1616  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709  
 ENGROSSED HOUSE BILL NO. 1815  
 SUBSTITUTE HOUSE BILL NO. 1919  
 ENGROSSED HOUSE BILL NO. 1986  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035  
 ENGROSSED HOUSE BILL NO. 2040

SUBSTITUTE HOUSE BILL NO. 2208  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227  
 ENGROSSED HOUSE BILL NO. 2299  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327  
 HOUSE BILL NO. 2328  
 SUBSTITUTE HOUSE BILL NO. 2343  
 HOUSE BILL NO. 2347  
 HOUSE BILL NO. 2349  
 HOUSE BILL NO. 2359  
 SENATE BILL NO. 5107  
 SUBSTITUTE SENATE BILL NO. 5166  
 SUBSTITUTE SENATE BILL NO. 5252  
 SUBSTITUTE SENATE BILL NO. 5391  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649  
 SUBSTITUTE SENATE BILL NO. 5718  
 SUBSTITUTE SENATE BILL NO. 5723  
 SUBSTITUTE SENATE BILL NO. 5725  
 SUBSTITUTE SENATE BILL NO. 5732  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5746  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850  
 SUBSTITUTE SENATE BILL NO. 5931  
 SECOND SUBSTITUTE SENATE BILL NO. 5945  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5967  
 SECOND SUBSTITUTE SENATE BILL NO. 5973  
 SENATE BILL NO. 5974  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5978  
 SUBSTITUTE SENATE BILL NO. 6009  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015  
 SUBSTITUTE SENATE BILL NO. 6016  
 ENGROSSED SENATE BILL NO. 6033  
 SUBSTITUTE SENATE BILL NO. 6036  
 SENATE BILL NO. 6070  
 SUBSTITUTE SENATE BILL NO. 6088  
 SUBSTITUTE SENATE BILL NO. 6095  
 SENATE BILL NO. 6104  
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404

#### MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The President has appointed the following members as Conferees on the Conference for SECOND SUBSTITUTE SENATE BILL NO. 5433: Senators Tom, Regala and King, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1292 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature continues to support school districts seeking innovations to further the educational experiences of students and staff while also realizing increased efficiencies in day- to-day operations. School districts have suggested that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar. Furthermore, the legislature finds that a flexible calendar could be beneficial to student learning by allowing for the use of the unscheduled days for professional development

activities, planning, tutoring, special programs, parent conferences, and athletic events. A flexible calendar also has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.

School districts in several western states have operated on a four- day school week and report increased efficiencies, family support, and reduced absenteeism, with no negative impact on student learning. Small rural school districts in particular could benefit due to their high per-pupil costs for transportation and utilities. Therefore, the legislature intends to provide increased flexibility to a limited number of school districts to explore the potential value of operating on a flexible calendar, so long as adequate safeguards are put in place to prevent any negative impact on student learning.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.305 RCW to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers from the requirement for a one hundred eighty-day school year under RCW 28A.150.220 and 28A.150.250 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer an annual average instructional hour offering of at least one thousand hours shall not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests. No more than five districts may be granted waivers. Waivers may be granted for up to three years. After each school year, the state board of education shall analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made. All waivers expire August 31, 2014.

(a) Two of the five waivers granted under this subsection shall be granted to school districts with student populations of less than one hundred fifty students.

(b) Three of the five waivers granted under this subsection shall be granted to school districts with student populations of between one hundred fifty-one and five hundred students.

(4) The state board of education shall examine the waivers granted under this section and make a recommendation to the education committees of the legislature by December 15, 2013, regarding whether the waiver program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. Such evidence includes, but is not limited to: Improved scores on the Washington assessment of student learning, results of the dynamic indicators of basic early literacy skills, student grades, and attendance.

(5) This section expires August 31, 2014.

**Sec. 3.** RCW 28A.655.180 and 1995 c 208 s 1 are each amended to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 ((or 28A.300.138)) to apply for the waivers under ((subsection (1) of)) this section.

((3) The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997.))

**NEW SECTION. Sec. 4.** RCW 28A.305.145 (Application process for waivers under RCW 28A.305.140) and 1993 c 336 s 302 are each repealed."

On page 1, line 2 of the title, after "year;" strike the remainder of the title and insert "amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.145; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1292 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1292, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1292, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 9; Absent, 0; Excused, 4.

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

Voting nay: Representatives Anderson, Crouse, Hope, Kristiansen, McCune, Morrell, Pearson, Ross and Shea.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1292, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1758. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature has previously affirmed the value of career and technical education, particularly in programs that lead to nationally recognized certification. These programs provide students with the knowledge and skills to become responsible citizens and contribute to their own economic well-being and that of their families and communities, which is the goal of education in the public schools. The legislature has also previously affirmed the value of dual enrollment in college and high school programs that can lead to both an associate degree and a high school diploma. Therefore, the legislature intends to maximize students' options and choices for completing high school by awarding diplomas to students who complete these valuable postsecondary programs.

**Sec. 2.** RCW 28B.50.535 and 2007 c 355 s 2 are each amended to read as follows:



A community or technical college may issue a high school diploma or certificate as provided under this section.

(1) An individual who satisfactorily meets the requirements for high school completion shall be awarded a diploma from the college, subject to rules adopted by the superintendent of public instruction and the state board of education.

(2) An individual enrolled through the option established under RCW 28A.600.310 through 28A.600.400 who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student.

(3) An individual, twenty-one years or older, who enrolls in a community or technical college for the purpose of obtaining an associate degree and who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student. Individuals under this subsection are not eligible for funding provided under chapter 28A.150 RCW.

**Sec. 3.** RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) ~~((Before the 1991-92 school year,))~~ The booklet shall be distributed to all school districts by the office of the superintendent of public instruction and shall be posted on the web site of the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090,))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start ~~((=community college or vocational-technical institute choice))~~ program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; ((and))

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090; and

(d) Information about the college high school diploma options under RCW 28B.50.535.

**Sec. 4.** RCW 28A.600.320 and 2008 c 95 s 3 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the program through online courses available at community and technical colleges and other state institutions of higher education and including the college high school diploma options under RCW 28B.50.535. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education.

**Sec. 5.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~((scholastic assessment test (SAT)))~~ or the ~~((American college test (ACT)))~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~((preliminary scholastic assessment test (PSAT)))~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment

for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary."

On page 1, line 2 of the title, after "diplomas;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1758 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1758, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1758, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1758, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1845. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate

adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.105 and 1994 c 230 s 1 are each amended to read as follows:

(1) ~~((In entering or modifying))~~ Whenever a child support order is entered or modified under this chapter, the court shall require ~~((either or))~~ both parents to provide medical support for any child named in the order as provided in this section.

(a) Medical support consists of:

(i) Health insurance coverage; and

(ii) Cash medical support.

(b) Cash medical support consists of:

(i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and

(ii) A parent's proportionate share of uninsured medical expenses.

(c) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health insurance coverage or the monthly payment toward the premium.

(d) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.

(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(3)(a) The court may specify how medical support must be provided by each parent under subsection (4) of this section.

(b) If the court does not specify how medical support will be provided or if neither parent provides proof that he or she is providing health insurance coverage for the child at the time the support order is entered, the division of child support or either parent may enforce a parent's obligation to provide medical support under RCW 26.18.170.

(4)(a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide coverage and which parent must contribute a sum certain amount as his or her monthly payment toward the premium.

(b) If both parents have available health insurance coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the health insurance coverage for the child and the other parent to pay a monthly payment toward the premium. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall remain responsible for his or her proportionate share of uninsured medical expenses.

(5) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

(6) A parent who is ordered to maintain or provide health insurance coverage ~~((except as provided in subsection (2) of this section,))~~ may comply with that requirement by:

(a) Providing proof of accessible private insurance coverage for any child named in the order ~~((if (a)));~~ or

(b) Providing coverage that can be extended to cover the child that is ~~((or becomes))~~ available to that parent through employment or that is union-related~~((; and~~ ~~((b)))~~, if the cost of such coverage does not exceed twenty-five percent of ~~((the obligated))~~ that parent's basic child support obligation.

~~((2))~~ (7) The court ~~((shall consider the best interests of the child and have discretion to))~~ may order a parent to provide health insurance coverage ~~((when entering or modifying a support order under this chapter if the cost of such coverage))~~ that exceeds twenty-five percent of ~~((the obligated))~~ that parent's basic support obligation if it is in the best interests of the child to provide coverage.

~~((3))~~ (8) If the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay a monthly payment toward the premium.

(9) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

(10) The parents ~~((shall))~~ must maintain ~~((such))~~ health insurance coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

~~((4))~~ (11) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

~~((5))~~ (12) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.

~~((6))~~ (13) A parent ordered to provide health insurance coverage ~~((shall))~~ must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The ~~((physical custodian))~~ other parent; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

~~((7))~~ (14) Every order requiring a parent to provide health care or insurance coverage ~~((shall))~~ must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

~~((8))~~ "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.)

(15) When a parent is providing health insurance coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

(16) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than

twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.

(g) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(17) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 2. RCW 26.18.170 and 2007 c 143 s 1 are each amended to read as follows:

(1) Whenever a parent ~~((who))~~ has been ordered to provide ~~((health insurance coverage))~~ medical support for a dependent child ~~((fails to provide such coverage or lets it lapse))~~, the department or ~~((a))~~ the other parent may seek enforcement of the ~~((coverage order))~~ medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible coverage for the child through private insurance, that parent has satisfied his or her obligation to provide health insurance coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) The department may attempt to enforce a parent's obligation to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any monthly payment toward the premium ordered to be provided under RCW 26.09.105 or 74.20A.300.

(3) A parent seeking to enforce another parent's monthly payment toward the premium under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

(i) Filing a motion in the underlying superior court action; or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

(4)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's monthly payment toward the premium.

(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's monthly payment toward the premium. When the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the department may disburse amounts collected to the

custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard monthly payments toward the premium which are passed through to the family in accordance with federal law.

(5)(a) If the ((parent's)) order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

(i) By regular mail;

(ii) In the manner prescribed for the service of a summons in a civil action;

(iii) By certified mail, return receipt requested; or

(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((3))~~ (8) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

~~((4))~~ (6) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

(7) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

~~((1))~~ (a) The parent seeking enforcement may, without further notice to the ((other)) obligated parent, send a certified copy of the order requiring health insurance coverage to the ((obligor's)) parent's employer or union by certified mail, return receipt requested; and

~~((1))~~ (b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((3))~~ (8) of this section.

~~((3))~~ (8) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

~~((4))~~ Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

~~(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;~~

~~(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;~~

~~(c) The plan administrator shall be responsible for complying with the provisions of the notice.~~

~~(5))~~ (9) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the ((other)) obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ~~((2))~~ (5) of this section.

~~((6))~~ (10) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent ((required to provide medical support)) by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

~~((7))~~ (11) If the department serves a notice under subsection ~~((6))~~ (10) of this section the parent required to provide medical support shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((8))~~ (12) If the parent seeking enforcement serves a notice under subsection ~~((6))~~ (10) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that ((the parent required to provide medical support)) he or she has either applied for, or obtained, coverage accessible to the child.

~~((9))~~ (13) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((6))~~ (10) of this section to the party who served the notice, the party who served the

notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

~~((10))~~ (14) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((11))~~ (15) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((12))~~ (16) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((13))~~ (17) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the ~~((obligee))~~ parent seeking reimbursement of medical expenses may enforce collection of ~~((that))~~ the obligated parent's portion of the premium, deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order ~~((the parent required to provide medical support shall have his or her))~~ and the responsible parent is the obligated parent, the obligated parent's portion of the premium, deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

~~((14))~~ (b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(18) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(19) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 3.** RCW 26.18.180 and 2000 c 86 s 3 are each amended to read as follows:

(1) ~~((An obligated parent's))~~ The employer or union of a parent who has been ordered to provide health insurance coverage shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within twenty days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the ~~((obligated))~~ parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

**Sec. 4.** RCW 26.23.050 and 2007 c 143 s 3 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and

that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

~~((c))~~ (c) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~((and))~~

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health insurance coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health insurance

coverage at reasonable cost and, if so, the health insurance policy information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide ~~((health insurance coverage))~~ medical support for his or her child through health insurance coverage if:

(i) The obligated parent provides accessible coverage for the child through private insurance; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that parent's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a parent providing health insurance coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

~~((k))~~ (k) The reasons for not ordering health insurance coverage if the order fails to require such coverage;

~~((l))~~ (l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

~~((m))~~ (m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

~~((n))~~ (n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 5.** RCW 26.23.110 and 2007 c 143 s 4 are each amended to read as follows:

(1) The department may serve a notice of support owed on a responsible parent when a support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; or

(c) Provides that the responsible parent is responsible for paying for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed on a parent who has been designated to pay per a support order a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child, but only when the support order does not reduce the costs to a fixed dollar amount.

(3) The department may serve a notice of support owed to determine a parent's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(4) The notice of support owed shall facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the support order.



~~((4))~~ (5) The notice of support owed shall be served on a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall be served on the applicant or recipient of services by first-class mail to the last known address. The notice of support owed shall contain an initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both.

~~((5))~~ (6) A parent who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((6))~~ (7) The notice of support owed shall state that the parent may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the parent will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((7))~~ (8) If either parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed shall become final and subject to collection action.

~~((8))~~ (9) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of adjudicative proceeding to the parties.

~~((9))~~ (10) If either parent does not initiate an action in superior court, and serve notice of the action on the department and the other party to the support order within the twenty-day period, the parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((10))~~ (11) An adjudicative order entered in accordance with this section shall state the basis, rationale, or formula upon which the fixed dollar amounts established in the adjudicative order were based. The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section shall be subject to collection under this chapter and other applicable state statutes.

~~((11))~~ (12) The department shall also provide for:

(a) An annual review of the support order if either the office of support enforcement or the parent requests such a review; and

(b) A late adjudicative proceeding if the parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((12))~~ (13) If an annual review or late adjudicative proceeding is requested under subsection ~~((11))~~ (12) of this section, the department shall mail a copy of the notice of adjudicative proceeding to the parties' last known address.

~~((13))~~ (14) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 6.** RCW 74.20A.300 and 1994 c 230 s 22 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require ~~((the responsible))~~ either or both parents to ~~((maintain or provide health insurance coverage))~~ provide medical support for any dependent child, in the nature of health insurance coverage or a monthly payment toward the premium, as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

(4) A parent required to provide health insurance coverage must notify the department and the other parent when coverage terminates.

(5) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

**Sec. 7.** RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child either through private health insurance which is accessible to the child or through coverage that is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support

established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005.

Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 8.** RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health insurance for their child either through private health insurance which is accessible to the child or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child

support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 9.** RCW 74.20A.059 and 1991 c 367 s 47 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require ~~((health insurance coverage))~~ medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments ~~((as defined in section 24 of this act))~~ is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

**NEW SECTION. Sec. 10.** This act takes effect October 1, 2009."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1845 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1845, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1845, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1845, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1239. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~((13.34.170))~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age(~~(-PROVIDED, That)~~). If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters(~~(-PROVIDED FURTHER, That)~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection(~~(-PROVIDED FURTHER, That)~~). Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have

been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 2** RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to

establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapter 26.09 or 26.26 RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapter 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

((3)) (4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapter 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the

petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding."

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.155; and reenacting and amending RCW 13.04.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1239 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1239, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1239, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1239, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from the amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the state, cities, and counties have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements.

Recognizing the fundamental role and value of properly exercised moratoria, the legislature intends to establish new moratoria procedures and to affirm moratoria authority that local governments have and may exercise when implementing the shoreline management act, while recognizing the legitimate interests of existing shoreline related developments during the period of interim moratoria.

The legislature finds that temporary moratoria on the processing of less than comprehensive shoreline amendments to the shoreline master program are occasionally necessary along "shorelines of the state."

**"NEW SECTION. Sec. 2.** A new section is added to chapter 90.58 RCW to read as follows:

(1) Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement this chapter.

(2)(a) A local government adopting a moratorium or control under this section must:

(i) Hold a public hearing on the moratorium or control;

(ii) Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

(iii) Notify the department of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection;

(iv) Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

(b) The public hearing required by this section must be held within sixty days of the adoption of the moratorium or control.

(3) A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (2)(a) of this section before each renewal. If a moratorium or control is in effect on the date a proposed master program or amendment is submitted to the department, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if the department has not taken final action.

(4) Nothing in this section may be construed to modify county and city moratoria powers conferred outside this chapter.

**"NEW SECTION. Sec. 3.** A new section is added to chapter 90.58 RCW to read as follows:

(1) A temporary moratorium on the processing of less than comprehensive amendments to the shoreline master program is created along the Puget Sound, Deschutes Waterway, and Capitol Lake "shorelines of the state" in Olympia.

(2)(a) The moratorium takes effect under the following conditions:

(i) The city submits less than comprehensive amendments to its shoreline master program; and

(ii) The submittal is made either after the effective date of a state grant awarded to the city for the purpose of updating its comprehensive shoreline master program, or after work has commenced to implement the plans funded by the grant.

(b) Development proposals shall not be segmented while the moratorium is in effect.

(3) The moratorium shall not end until the comprehensive amendment to the comprehensive shoreline master program is submitted to and approved by the department.

(4) This section does not apply to any "critical area" amendments submitted solely for the purpose of incorporating critical area ordinance standards into a shoreline master program.

**NEW SECTION. Sec. 4.** 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. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding new sections to chapter 90.58 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### POINT OF ORDER

Representative Simpson requested a scope and object ruling on the Senate amendment to Engrossed Substitute House Bill No. 1379.

#### SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Engrossed Substitute House Bill No. 1379 was introduced in response to a Supreme Court case raising questions about the authority of local governments to adopt moratoria under the Shoreline Management Act. The bill as passed by the House authorized local governments to adopt moratoria, set out procedural requirements for their adoption, and limit the duration of such moratoria.

A previous Senate amendment was found to exceed the scope and object of the bill because it dealt with the authority of state government to impose permanent restrictions on certain shorelines.

While the Senate amendment now before us related to moratoria and not permanent restrictions, it still deals with state government's authority under the Shoreline management Act, not the authority of local governments.

For that reason, the Speaker finds that the amendment exceeds the scope and object of the bill.

Representative Simpson, your point of order is well taken."

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 19, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5554 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5510. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

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

#### SECOND READING

**SENATE BILL NO. 5554, by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore**

#### Regarding the job skills program.

Representative Wallace moved the adoption of amendment (658):

On page 4, at the beginning of line 12, insert the following:

"(a) Proposing training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces;"

Renummer the remaining subsections consecutively and correct any internal references accordingly.

Representatives Wallace and Anderson spoke in favor of the adoption of the amendment.

Amendment (658) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5554, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5554, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase,



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

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SENATE BILL NO. 5554, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate insists on its position in the House amendment to HOUSE BILL NO. 1212 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Keiser, Kohl-Welles and Holmquist, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

##### MOTION

Representative Condotta moved to concur in the amendment to HOUSE BILL NO. 1212.

Representative Condotta spoke in favor of the adoption of the motion.

Representative Conway spoke against the adoption of the motion.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendment to House Bill No. 1212.

##### ROLL CALL

The Clerk called the roll on the adoption of the motion to concur in the Senate amendment to House Bill No. 1212 and the motion was not adopted by the following vote: Yeas, 34; Nays, 60; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson,

Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

The House granted the Senate's request for a Conference on HOUSE BILL NO. 1212. The Speaker (Representative Morris presiding) appointed Representatives Conway, Kirby and Condotta as conferees.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1420. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.005 and 2007 c 107 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) "Improved residential real property" means:

(a) Real property consisting of, or improved by, one to four residential dwelling units;

(b) A residential condominium as defined in RCW 64.34.020(9), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW;

(c) A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the Washington timeshare act, chapter 64.36 RCW; or

(d) A mobile or manufactured home, as defined in RCW 43.22.335 or 46.04.302, that is personal property.

(2) "Residential real property" means both improved and unimproved residential real property.

(3) "Seller disclosure statement" means the form to be completed by the seller of residential real property as prescribed by this chapter.

(4) "Unimproved residential real property" means property zoned for residential use that is not improved by residential dwelling units, a residential condominium, a residential timeshare, or a mobile or manufactured home. It does not include property defined as "timber land" under RCW 84.34.020.

Sec. 2. RCW 64.06.015 and 2007 c 107 s 5 are each amended to read as follows:

(1) In a transaction for the sale of unimproved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

*Format change to accommodate text.*

**INSTRUCTIONS TO THE SELLER**

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

**NOTICE TO THE BUYER**

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If you answer "Yes" to a question with an asterisk ( \*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

- |                              |                             |                                     |  |
|------------------------------|-----------------------------|-------------------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | <b>1. TITLE</b>  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | A. Do you have legal authority to sell the property? If no, please explain.  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *B. Is title to the property subject to any of the following?<br>(1) First right of refusal<br>(2) Option<br>(3) Lease or rental agreement<br>(4) Life estate? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *C. Are there any encroachments, boundary agreements, or boundary disputes?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *D. Is there a private road or easement agreement for access to the property?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *E. Are there any rights-of-way, easements, or access limitations that ((may)) affect the Buyer's use of the property?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *F. Are there any written agreements for joint maintenance of an easement or right-of-way?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *G. Is there any study, survey project, or notice that would adversely affect the property?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *H. Are there any pending or existing assessments against the property?  |

Yes       No       Don't know

\*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that (~~would~~) affect future construction or remodeling?

Yes       No       Don't know  
 Yes       No       Don't know

\*J. Is there a boundary survey for the property?

\*K. Are there any covenants, conditions, or restrictions (~~which affect~~) recorded against title to the property?

Yes       No       Don't know

**2. WATER**

**A. Household Water**

(1) Does the property have potable water supply?

(2) If yes, the source of water for the property is:

Private or publicly owned water system

Private well serving only the property

\* Other water system

\*If shared, are there any written agreements?

Yes       No       Don't know  
 Yes       No       Don't know

\*(3) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

\* (4) Are there any (~~known~~) problems or repairs needed?

Yes       No       Don't know  
 Yes       No       Don't know

(5) Is there a connection or hook-up charge payable before the property can be connected to the water main?

(6) Have you obtained a certificate of water availability from the water purveyor serving the property? (If yes, please attach a copy.)

Yes       No       Don't know

(7) Is there a water right permit, certificate, or claim associated with household water supply for the property? (If yes, please attach a copy.)

Yes       No       Don't know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Yes       No       Don't know

\*(b) If yes, has all or any portion of the water right not been used for five or more successive years? (~~(((If yes, please explain.)))~~)

Yes       No       Don't know

(c) If no or don't know, is the water withdrawn from the water source less than 5,000 gallons a day?

Yes       No       Don't know

\*(8) Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)?

Yes       No       Don't know

**B. Irrigation Water**

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim? (If yes, please attach a copy.)

Yes       No       Don't know

(a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes       No       Don't know

(b) If yes, has the water right permit certificate, or claim been assigned, transferred, or changed?

Yes       No       Don't know

\*(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies irrigation water to the property:  
.....

Yes       No       Don't know

**C. Outdoor Sprinkler System**

(1) Is there an outdoor sprinkler system for the property?

Yes       No       Don't know

\*(2) If yes, are there any defects in the system?

Yes       No       Don't know

\*(3) If yes, is the sprinkler system connected to irrigation water?

**3. SEWER/SEPTIC SYSTEM**

**A. The property is served by:**

Public sewer system

On-site sewage system (including pipes, tanks, drainfields, and all other component parts)

Other disposal system, please describe:  
.....

Yes       No       Don't know

B. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

Yes       No       Don't know

C. If the property is connected to an on-site sewage system:

\*~~(1) Was a permit issued for its construction?~~

Yes       No       Don't know

\*~~(2) Was it approved by the local health department or district following its construction?~~

Yes       No       Don't know

~~(3) Is the septic system a pressurized system?~~

Yes       No       Don't know

~~(4) Is the septic system a gravity system?~~

Yes       No       Don't know

\*~~(5) Have there been any changes or repairs to the on-site sewage system?~~

Yes       No       Don't know

~~(6) Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property?~~

~~If no, please explain:~~

Yes       No       Don't know

~~.....  
\*\_~~(7) Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ((If yes, please explain:))~~  
.....~~

**4. ELECTRICAL/GAS**

Yes       No       Don't know

A. Is the property served by natural gas?

Yes       No       Don't know

B. Is there a connection charge for gas?

Yes       No       Don't know

C. Is the property served by electricity?

Yes       No       Don't know

D. Is there a connection charge for electricity?

Yes       No       Don't know

\*E. Are there any electrical problems on the property? ((If yes, please explain:))

**5. FLOODING**

Yes       No       Don't know

~~A. ((Are there any flooding, standing water, or drainage problems on the property or affecting access to the property? If yes, please explain:~~

~~Yes       No       Don't know~~

~~B:)) Is the property located in a government designated flood zone or floodplain?~~

**6. SOIL STABILITY**

Yes       No       Don't know

\*A. Are there any settlement, earth movement, slides, or similar soil problems on the property? ((If yes, please explain:

~~Yes       No       Don't know~~

~~B. Does any part of the property contain fill dirt, waste, or other fill material? If yes, please explain:))~~

Yes       No       Don't know

**7. ENVIRONMENTAL**

\*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes       No       Don't know

\*B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes       No       Don't know

\*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes       No       Don't know

D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes       No       Don't know

\*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes       No       Don't know

\*F. Has the property been used for commercial or industrial purposes?

Yes       No       Don't know

\*G. Is there any soil or groundwater contamination?

Yes       No       Don't know

\*H. Are there transmission poles(and transformers,) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

Yes       No       Don't know

\*I. Has the property been used as a legal or illegal dumping site?

Yes       No       Don't know

\*J. Has the property been used as an illegal drug manufacturing site?

Yes       No       Don't know

\*K. Are there any radio towers (in the area) that (may) cause interference with cellular telephone reception?

**8. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS**

Yes       No       Don't know

A. Is there a homeowners' association?  
Name of association:

Yes       No       Don't know

B. Are there regular periodic assessments:

\$ . . . per  Month  Year

Other .....

Yes       No       Don't know

\*C. Are there any pending special assessments?

Yes       No       Don't know

\*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

**9. OTHER FACTS**

- Yes       No       Don't know      \*A. Are there any disagreements, disputes, encroachments, or legal actions concerning the property? (~~If yes, please explain:~~)  
.....
- Yes       No       Don't know      \*B. Does the property have any plants or wildlife that are designated as species (~~or of~~) of concern, or listed as threatened or endangered by the government?
- Yes       No       Don't know      \*C. Is the property classified or designated as forest land or open space? (~~If so, specify:~~)  
.....
- Yes       No       Don't know      D. Do you have a forest management plan? If yes, attach.
- Yes       No       Don't know      \*E. Have any development-related permit applications been submitted to any government agencies? (~~If so, specify:~~)  
.....  
If the answer to E is "yes," what is the status or outcome of those applications?  
.....

**10. FULL DISCLOSURE BY SELLERS**

- Yes       No       Don't know      A. Other conditions or defects:  
\*Are there any other existing material defects affecting the property that a prospective buyer should know about?
- B. Verification:  
The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE .....SELLER ..... SELLER .....

NOTICE TO BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

**II. BUYER'S ACKNOWLEDGMENT**

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.  
 DATE . . . . . BUYER . . . . . BUYER . . . . .

(2) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

**Sec. 3.** RCW 64.06.020 and 2007 c 107 s 4 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

**INSTRUCTIONS TO THE SELLER**

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

**NOTICE TO THE BUYER**

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If you answer "Yes" to a question with an asterisk ( \*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

- Yes             No             Don't know
- Yes             No             Don't know
  
- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know

**1. TITLE**

A. Do you have legal authority to sell the property? If no, please explain.

\*B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

\*C. Are there any encroachments, boundary agreements, or boundary disputes?

\*D. Is there a private road or easement agreement for access to the property?

\*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

\*F. Are there any written agreements for joint maintenance of an easement or right-of-way?

\*G. Is there any study, survey project, or notice that would adversely affect the property?

\*H. Are there any pending or existing assessments against the property?

\*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

\*J. Is there a boundary survey for the property?

\*K. Are there any covenants, conditions, or restrictions (~~which affect~~) recorded against the property?

**2. WATER**

A. Household Water

(1) The source of water for the property is:

Private or publicly owned water system

Private well serving only the subject property . . . . .

\* Other water system

\*If shared, are there any written agreements?

\* (2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

\* (3) Are there any (~~known~~) problems or repairs needed?

- Yes             No             Don't know
- Yes             No             Don't know
- Yes             No             Don't know



Yes       No       Don't know

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

Yes       No       Don't know

\*(5) Are there any water treatment systems for the property? If yes, are they  Leased  Owned

Yes       No       Don't know

\*(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

Yes       No       Don't know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?  
\*(b) If yes, has all or any portion of the water right not been used for five or more successive years? (~~(If yes, please explain:))~~)

Yes       No       Don't know

\*(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

Yes       No       Don't know

B. Irrigation Water

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

Yes       No       Don't know

\*(a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes       No       Don't know

\*(b) If so, is the certificate available? (If yes, please attach a copy.)

Yes       No       Don't know

\*(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed? (~~(If so, explain:))~~)

Yes       No       Don't know

\*(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

Yes       No       Don't know

C. Outdoor Sprinkler System

(1) Is there an outdoor sprinkler system for the property?

Yes       No       Don't know

\*(2) If yes, are there any defects in the system? (~~(.....)~~)

Yes       No       Don't know

\*(3) If yes, is the sprinkler system connected to irrigation water?

**3. SEWER/ON-SITE SEWAGE SYSTEM**

A. The property is served by:  
 Public sewer system,  
 On-site sewage system (including pipes, tanks, drainfields, and all other component parts)  
 Other disposal system, please describe:  
.....

Yes       No       Don't know      B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.  
.....

Yes       No       Don't know      \*C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?  
D. If the property is connected to an on-site sewage system:  
    \*(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?  
    (2) When was it last pumped(+) ?  
.....

Yes       No       Don't know      \* (3) Are there any defects in the operation of the on-site sewage system?  
 Don't know      (4) When was it last inspected?  
.....

Yes       No       Don't know      By whom: .....  
 Don't know      (5) For how many bedrooms was the on-site sewage system approved?  
..... bedrooms

Yes       No       Don't know      E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain: .....

Yes       No       Don't know      \*F. Have there been any changes or repairs to the on-site sewage system?

Yes       No       Don't know      G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.  
.....

Yes       No       Don't know      \*H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? (~~If yes, please explain.~~)  
.....

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

**4. STRUCTURAL**

Yes       No       Don't know      \*A. Has the roof leaked within the last five years?

Yes       No       Don't know      \*B. Has the basement flooded or leaked?

- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know

\*C. Have there been any conversions, additions, or remodeling?  
 \*(1) If yes, were all building permits obtained?  
 \*(2) If yes, were all final inspections obtained?  
 D. Do you know the age of the house?  
 If yes, year of original construction:

.....  
 \*E. Has there been any settling, slippage, or sliding of the property or its improvements?

\*F. Are there any defects with the following: (If yes, please check applicable items and explain.)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Foundations   | <input type="checkbox"/> Decks          | <input type="checkbox"/> Exterior Walls |
| <input type="checkbox"/> Chimneys      | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Fire Alarm     |
| <input type="checkbox"/> Doors         | <input type="checkbox"/> Windows        | <input type="checkbox"/> Patio          |
| <input type="checkbox"/> Ceilings      | <input type="checkbox"/> Slab Floors    | <input type="checkbox"/> Driveways      |
| <input type="checkbox"/> Pools         | <input type="checkbox"/> Hot Tub        | <input type="checkbox"/> Sauna          |
| <input type="checkbox"/> Sidewalks     | <input type="checkbox"/> Outbuildings   | <input type="checkbox"/> Fireplaces     |
| <input type="checkbox"/> Garage Floors | <input type="checkbox"/> Walkways       | <input type="checkbox"/> Siding         |
| <input type="checkbox"/> Other         | <input type="checkbox"/> Wood Stoves    |   |

- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know

\*G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed? .....

H. During your ownership, has the property had any wood destroying organism or pest infestation?

I. Is the attic insulated?

J. Is the basement insulated?

**5. SYSTEMS AND FIXTURES**

\*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know

- Electrical system, including wiring, switches, outlets, and service
- Plumbing system, including pipes, faucets, fixtures, and toilets
- Hot water tank
- Garbage disposal
- Appliances
- Sump pump
- Heating and cooling systems
- Security system

Owned  Leased

Other .....

\*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

- Yes       No       Don't know
- Yes       No       Don't know
- Yes       No       Don't know

- Security system .....
- Tanks (type): .....
- Satellite dish .....
- Other: .....

Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know

\*C. Are any of the following kinds of wood burning appliances present at the property?

- (1) Woodstove?
- (2) Fireplace insert?
- (3) Pellet stove?
- (4) Fireplace?

If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

**6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS**

Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know

A. Is there a Homeowners' Association? Name of Association:  
 .....  
 B. Are there regular periodic assessments:  
 \$ . . . per  Month  Year  
 Other .....

\*C. Are there any pending special assessments?  
 \*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

**7. ENVIRONMENTAL**

Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know  
 Yes             No             Don't know

\*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?  
 \*B. Does any part of the property contain fill dirt, waste, or other fill material?  
 \*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?  
 D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?  
 \*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?  
 \*F. Has the property been used for commercial or industrial purposes?  
 \*G. Is there any soil or groundwater contamination?

- Yes       No       Don't know      \*H. Are there transmission poles(;- transformers;) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?
- Yes       No       Don't know      \*I. Has the property been used as a legal or illegal dumping site?
- Yes       No       Don't know      \*J. Has the property been used as an illegal drug manufacturing site?
- Yes       No       Don't know      \*K. Are there any radio towers in the area that ((~~may~~)) cause interference with cellular telephone reception?

**8. MANUFACTURED AND MOBILE HOMES**

If the property includes a manufactured or mobile home,

- Yes       No       Don't know      \*A. Did you make any alterations to the home? If yes, please describe the alterations: . . . . .
- Yes       No       Don't know      \*B. Did any previous owner make any alterations to the home? ((~~If yes, please describe the alterations: . . . . .~~))
- Yes       No       Don't know      \*C. If alterations were made, were permits or variances for these alterations obtained?

**9. FULL DISCLOSURE BY SELLERS**

A. Other conditions or defects:  
 \*Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:  
 The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE . . . . . SELLER . . . . .SELLER . . . . .

**NOTICE TO THE BUYER**

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

**II. BUYER'S ACKNOWLEDGMENT**

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

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BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER . . . . . BUYER. . . . .

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

**Sec. 4.** RCW 64.06.040 and 1996 c 301 s 4 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller (~~becomes aware~~) learns from a source other than the buyer or others acting on the buyer's behalf such as an inspector of additional information(;) or an adverse change (~~occurs~~) which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three- business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

**NEW SECTION. Sec. 5.** This act applies prospectively only and not retroactively. It applies only to sales of property that arise on or after the effective date of this section."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.005, 64.06.015, 64.06.020, and 64.06.040; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1420 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1420, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1420, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 36; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1420, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1481 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds the development of electric vehicle infrastructure to be a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels, and reducing the pollution of Puget Sound attributable to the operation of petroleum-

based vehicles on streets and highways. Limited driving distance between battery charges is a fundamental disadvantage and obstacle to broad consumer adoption of vehicles powered by electricity. In order to eliminate this fundamental disadvantage and dramatically increase consumer acceptance and usage of electric vehicles, it is essential that an infrastructure of convenient electric vehicle charging opportunities be developed. The purpose of this act is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective, electric vehicle infrastructure that such a transition necessitates. The state's success in encouraging this transition will serve as an economic stimulus to the creation of short-term and long-term jobs as the entire automobile industry and its associated direct and indirect jobs transform over time from combustion to electric vehicles.

**NEW SECTION. Sec. 2.** (1) A regional transportation planning organization containing any county with a population in excess of one million in collaboration with representatives from the department of ecology, the department of community, trade, and economic development, local governments, and the office of regulatory assistance must seek federal or private funding for the planning for, deployment of, or regulations concerning electric vehicle infrastructure. These efforts should include:

(a) Development of short-term and long-term plans outlining how state, regional, and local government construction may include electric vehicle infrastructure in publicly available off-street parking and government fleet vehicle parking, including what ratios of charge spots to parking may be appropriate based on location or type of facility or building;

(b) Consultations with the state building code council and the department of labor and industries to coordinate the plans with state standards for new residential, commercial, and industrial buildings to ensure that the appropriate electric circuitry is installed to support electric vehicle infrastructure;

(c) Consultation with the workforce development council and the higher education coordinating board to ensure the development of appropriate educational and training opportunities for citizens of the state in support of the transition of some portion of vehicular transportation from combustion to electric vehicles;

(d) Development of an implementation plan for counties with a population greater than five hundred thousand with the goal of having public and private parking spaces, in the aggregate, be ten percent electric vehicle ready by December 31, 2018; and

(e) Development of model ordinances and guidance for local governments for siting and installing electric vehicle infrastructure, in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment.

(2) These plans and any recommendations developed as a result of the consultations required by this section must be submitted to the legislature by December 31, 2010, or as soon as reasonably practicable after the securing of any federal or private funding. Priority will be given to the activities in subsection (1)(e) of this section and any ordinances or guidance that is developed will be submitted to the legislature, the department of community, trade, and economic development, and affected local governments prior to December 31, 2010, if completed.

(3) The definitions in this subsection apply through this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.29A RCW to read as follows:

(1) Leasehold excise tax may not be imposed on leases to tenants of public lands for purposes of installing, maintaining, and operating electric vehicle infrastructure.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(3) This section expires January 1, 2020.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries for electric vehicles;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving electric vehicle infrastructure; and

(d) The sale of tangible personal property that will become a component of electric vehicle infrastructure during the course of installing, constructing, repairing, or improving electric vehicle infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certification in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(4) This section expires January 1, 2020.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries; and

(c) Tangible personal property that will become a component of electric vehicle infrastructure during the course of installing, constructing, repairing, or improving electric vehicle infrastructure.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(3) This section expires January 1, 2020.

**NEW SECTION. Sec. 6.** A new section is added to chapter 79.13 RCW under the subchapter heading "general provisions" to read as follows:

(1) The state and any local government, including any housing authority, is authorized to lease land owned by such an entity to any person for purposes of installing, maintaining, and operating a battery



charging station, a battery exchange station, or a rapid charging station, for a term not in excess of fifty years, for rent of not less than one dollar per year, and with such other terms as the public entity's governing body determines in its sole discretion.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

**Sec. 7.** RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

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

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

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

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

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

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

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.21C RCW to read as follows:

(1) The installation of individual battery charging stations and battery exchange stations, which individually are categorically exempt under the rules adopted under RCW 43.21C.110, may not be disqualified from such categorically exempt status as a result of their being parts of a larger proposal that includes other such facilities and related utility networks under the rules adopted under RCW 43.21C.110.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 35.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

**NEW SECTION. Sec. 10.** A new section is added to chapter 35A.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use

in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

**NEW SECTION. Sec. 11.** A new section is added to chapter 36.70 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the

siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Counties are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

**NEW SECTION. Sec. 12.** A new section is added to chapter 36.70A RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5,

Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

**NEW SECTION. Sec. 13.** A new section is added to chapter 35.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or

critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Counties are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

**NEW SECTION. Sec. 14.** A new section is added to chapter 47.38 RCW to read as follows:

(1) As a necessary and desirable step to spur public and private investment in electric vehicle infrastructure in accordance with section 1 of this act, and to begin implementing the provisions of RCW 43.19.648, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies.

(2) To the extent permitted under federal programs, rules, or law, the department may enter into partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department is not responsible for providing capital equipment nor operating refueling or recharging services. The department must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature not less than every biennium.

(4) The provisions of this section are subject to the availability of existing funds. However, capital improvements under this section must be funded with federal or private funds.

**NEW SECTION. Sec. 15.** A new section is added to chapter 47.38 RCW to read as follows:

(1) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each state-operated highway rest stop.

(2) By December 31, 2015, the state must provide the opportunity to lease space for the limited purpose of installing and operating a battery exchange station or a battery charging station in appropriate state-owned highway rest stops.

(3) The department of transportation's obligations under this section are subject to the availability of amounts appropriated for the specific purpose identified in this section, unless the department receives federal or private funds for the specific purpose identified in this section.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 19.27 RCW to read as follows:

The building code council shall adopt rules for electric vehicle infrastructure requirements. Rules adopted by the state building code council must consider applicable national and international standards and be consistent with rules adopted under section 17 of this act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 19.28 RCW to read as follows:

The director shall adopt by rule standards for the installation of electric vehicle infrastructure, including all wires and equipment that

convey electric current and any equipment to be operated by electric current, in, on, or about buildings or structures. The rules must be consistent with rules adopted under section 16 of this act.

**NEW SECTION. Sec. 18.** The department of community, trade, and economic development must distribute to local governments model ordinances, model development regulations, and guidance for local governments for siting and installing electric vehicle infrastructure, and in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment, when available. The model ordinances, model development regulations, and guidance must be developed by a federal or state agency, or nationally recognized organizations with specific expertise in land-use regulations or electric vehicle infrastructure."

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 43.19.648; adding a new section to chapter 82.29A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 79.13 RCW; adding a new section to chapter 43.21C RCW; adding new sections to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 47.38 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 19.28 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1481 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative McCoy spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1481, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1481, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; Nays, 29; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts,

Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Chandler, Condotta, Cox, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SECOND SUBSTITUTE HOUSE BILL NO. 1481, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1579 with the following amendment:

On page 1, line 8, after "individuals" insert "from whom no charge for services is collected"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1579 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1579, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1579, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 33; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist,

Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

HOUSE BILL NO. 1579, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 1579.  
BRUCE DAMMEIER, 25th District

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1868. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 70.01 RCW to read as follows:

(1) Health care providers licensed under Title 18 RCW and health care facilities licensed under Title 70 RCW, shall provide the following to a patient upon request:

(a) An estimate of fees and charges related to a specific service, visit, or stay; and

(b) Information regarding other types of fees or charges a patient may receive in conjunction with their visit to the provider or facility. Hospitals licensed under chapter 70.41 RCW may fulfill this requirement by providing a statement and contact information as described in RCW 70.41.400.

(2) Providers and facilities listed in subsection (1) of this section may, after disclosing estimated charges and fees to a patient, refer the patient to the patient's insurer, if applicable, for specific information on the insurer's charges and fees, any cost-sharing responsibilities required of the patient, and the network status of ancillary providers who may or may not share the same network status as the provider or facility.

(3) Except for hospitals licensed under chapter 70.41 RCW, providers and facilities listed in subsection (1) of this section shall post a sign in patient registration areas containing at least the following language: "Information about the estimated charges of your health services is available upon request. Please do not hesitate to ask for information."

**NEW SECTION. Sec. 2** A new section is added to chapter 70.41 RCW to read as follows:

Hospitals licensed under this chapter shall post a sign in patient registration areas containing at least the following language: "Information about the estimated charges of your hospital services is available upon request. Please do not hesitate to ask for information.""

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "and adding a new section to chapter 70.01 RCW, and chapter 70.41 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1868 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Bailey and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1869, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1869, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1869, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.128.040 and 2007 c 184 s 8 are each amended to read as follows:

(1) The department shall adopt rules and standards with respect to adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. The rules and standards relating to applicants and operators shall address the differences between individual providers and providers that are partnerships, corporations, associations, or companies. The rules and standards shall also recognize and be appropriate to the different needs and capacities of the various populations served by adult family homes such as but not limited to persons who are developmentally disabled or elderly. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for applicants and providers explaining licensure requirements and procedures.

(2)(a) In developing the rules and standards, the department shall consult with all divisions and administrations within the department serving the various populations living in adult family homes, including the division of developmental disabilities and the aging and adult services administration. Involvement by the divisions and administration shall be for the purposes of assisting the department to develop rules and standards appropriate to the different needs and capacities of the various populations served by adult family homes. During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(b) In addition, the department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the adult family home licensees selected in accordance with RCW 70.128.043 and with other affected interests before adopting requirements that affect adult family home licensees.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

(4) The department shall establish a specialty license to include geriatric specialty certification for providers who have successfully completed the University of Washington school of nursing certified geriatric certification program and testing.

**Sec. 2.** RCW 70.128.005 and 2001 c 319 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

(b) Persons with functional limitations have broadly varying service needs. Adult family homes that can meet those needs are an essential component of a long-term system. ~~((The legislature further finds that))~~ Different populations living in adult family homes, such as ~~((the developmentally disabled))~~ persons with developmental

disabilities and ~~((the))~~ elderly persons, often have significantly different needs and capacities from one another.

(c) There is a need to update certain restrictive covenants to take into consideration the legislative findings cited in (a) and (b) of this subsection; the need to prevent or reduce institutionalization; and the legislative and judicial mandates to provide care and services in the least restrictive setting appropriate to the needs of the individual. Restrictive covenants which directly or indirectly restrict or prohibit the use of property for adult family homes (i) are contrary to the public interest served by establishing adult family homes and (ii) discriminate against individuals with disabilities in violation of RCW 49.60.224.

(2) It is the legislature's intent that department rules and policies relating to the licensing and operation of adult family homes recognize and accommodate the different needs and capacities of the various populations served by the homes. Furthermore, the development and operation of adult family homes that can provide quality personal care and special care services should be encouraged.

(3) The legislature finds that many residents of community-based long-term care facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills, and knowledge of their caregivers are the key to good care. The legislature finds that the need for well-trained caregivers is growing as the state's population ages and residents' needs increase. The legislature intends that current training standards be enhanced.

(4) The legislature finds that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of vulnerable adults residing in adult family homes. The health, safety, and well-being of vulnerable adults must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, or whether to take other licensing actions.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.128 RCW to read as follows:

(1) To effectuate the public policies of this chapter, restrictive covenants may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under this chapter; or

(b) Persons and legal entities from operating adult family homes licensed under this chapter, whether for-profit or nonprofit, to provide services covered under this chapter. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the restrictive covenant.

(2) This section applies retroactively to all restrictive covenants in effect on the effective date of this section. Any provision in a restrictive covenant in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

**NEW SECTION. Sec. 4.** A new section is added to chapter 64.38 RCW to read as follows:

(1) To effectuate the public policy of chapter 70.128 RCW, the governing documents may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under chapter 70.128 RCW; or

(b) Persons and legal entities from operating adult family homes licensed under chapter 70.128 RCW, whether for-profit or nonprofit, to provide services covered under chapter 70.128 RCW. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to

landscaping standards or regulation of sign location or size, that applies to all residential property subject to the governing documents.

(2) This section applies retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

**Sec. 5.** RCW 70.128.060 and 2004 c 140 s 3 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter, unless (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(5) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(6) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(7) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(8) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(9) The license fee shall be set at ~~((fifty))~~ one hundred dollars per year for each home. ~~((A fifty))~~ An eight hundred dollar processing fee shall also be charged each home when the home is initially licensed. The processing fee will be applied toward the license renewal in the subsequent three years. A five hundred dollar rebate will be returned to any home that renews after four years in operation.

(10) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an

adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(11) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 70.128.040, 70.128.005, and 70.128.060; adding a new section to chapter 70.128 RCW; and adding a new section to chapter 64.38 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morrell spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille,



Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Erickson, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Roach, Ross, Schmick, Shea, Taylor and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 on final passage as amended by the Senate.

DAN ROACH, 31st District

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 on final passage as amended by the Senate.

JAIME HERRERA, 18th District

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from amendment (301) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 and passed the bill without said amendment. The Senate refuses to recede from amendment (270), and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in Senate amendment (270) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1959, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1959, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.50A.020 and 1993 c 329 s 1 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the state treasury. Moneys in this fund may be spent only after legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) Other moneys provided by the federal government including funds under the American recovery and reinvestment act of 2009 for water pollution control facilities and related activities to achieve federal water pollution requirements;

(c) All state matching funds appropriated or authorized by the legislature;

~~((e))~~ (d) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

~~((d))~~ (e) All repayments of moneys borrowed from the fund;

~~((f))~~ (f) All interest payments made by borrowers from the fund;

~~((g))~~ (g) Any other fee or charge levied in conjunction with administration of the fund; and

~~((h))~~ (h) Any new funds as a result of leveraging.

(3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.

**Sec. 2.** RCW 90.50A.030 and 2007 c 341 s 38 are each amended to read as follows:

The department shall use the moneys in the water pollution control revolving fund to provide financial assistance, as provided in the water quality act of 1987 and ~~((as provided in))~~ RCW 90.50A.040, and pursuant to other federal requirements for achieving state and federal water pollution control for protection of the state's waters:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later ~~((then))~~ than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans, including additional subsidization to eligible recipients in the form of forgiveness of principal and negative interest loans or grants or any combination thereof, may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; ~~((and))~~

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act; and

(d) For the planning, design, and construction of publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) ~~The department may also use the money in the water pollution control revolving fund provided by congress for additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination thereof. Uses of forgiveness of principal and negative interest loans or grants include but are not limited to the following purposes:~~

~~(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;~~

~~(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act;~~

~~(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act~~

~~of 1987 relating to the national estuary program, subject to the requirements of that act;~~

~~(d) For storm water projects; and~~

~~(e) For combined sewer overflow projects.~~

~~(4) If additional subsidization is made available from moneys provided by congress to eligible recipients in the form of forgiveness of principal or negative interest loans or grants or any combination thereof, the department shall accept applications consistent with this chapter.~~

~~(5) The department may also use the moneys in the fund for the following purposes:~~

~~(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;~~

~~(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;~~

~~(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;~~

~~(d) To earn interest on fund accounts; and~~

~~(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.~~

~~((4))~~ (6) The department shall present a biennial progress report on the use of moneys from the account to the appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

~~((5) The department may not use the moneys in the water pollution control revolving fund for grants-))~~

~~(7) When prioritizing project applications for loans, forgiveness of principal, and negative interest loans or grants or any combination thereof for water pollution control facilities, the department shall consider the following:~~

~~(a) The protection and improvement of water quality and public health;~~

~~(b) The cost to residential ratepayers if they must finance water pollution control facilities without state assistance;~~

~~(c) Actions required under federal and state permits and compliance orders, including projects with a history of noncompliance;~~

~~(d) Readiness of the project to proceed with planning, design, or construction;~~

~~(e) The cost-effectiveness of the project based on an analysis of alternatives, including regionalization;~~

~~(f) Whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;~~

~~(g) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;~~

~~(h) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;~~

~~(i) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established~~

programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(j) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

**Sec. 3.** RCW 90.50A.040 and 2007 c 341 s 39 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department. In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and 90.50A.080, allocate funds for loans, forgiveness of principal, negative interest loans or grants or any combination thereof in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act, and allocate funds for separate competitive programs relating to storm water systems, sewer systems, and septic systems prioritized on a worst case first need basis;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act;

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.50A RCW to read as follows:

Any public body receiving a loan, forgiveness of principal, or negative interest loan or grant or any combination thereof from the fund shall:

(1) Appear on the annual project priority list to be identified for funding under section 212 of the federal water pollution control act amendments of 1987 or be eligible under sections 319 and 320 of that act;

(2) Submit an application to the department;

(3) Establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan; and

(4) Demonstrate to the satisfaction of the department it has sufficient legal authority to incur the debt for the loan that it is applying for.

**Sec. 5.** RCW 90.50A.060 and 1988 c 284 s 7 are each amended to read as follows:

If a public body defaults on loan payments due to the fund, the state may withhold any amounts otherwise due to the public body and direct that such funds be applied to the indebtedness and deposited into the account.

**Sec. 6.** RCW 90.48.110 and 2007 c 343 s 13 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter.

(a) The department shall require, through the development of rules, that plans established in this subsection (1) include the following elements:

(i) Reviews and updates of sewer plans on a six-year cycle, including asset management and financial planning;

(ii) An equitable sewer user charge system for residential, commercial, and industrial users to cover all financial obligation of the planned sewer utility;

(iii) Connection fees for new connections to a sewer system that reflect a fair share cost of infrastructure from which new connections will benefit;

(iv) A capital wastewater facilities reserve fund dedicated to paying for wastewater infrastructure and equipment replacement; and

(v) A sewer use ordinance that restricts certain connections and wastes to protect a local government's investment and enhance the wastewater treatment's process stability and effluent quality. The ordinance must, at least:

(A) Require new sewers and connections to be properly designed and constructed;

(B) Require a provision with a timeline and proximity in which existing and future residences must connect to the sewer system;

(C) Prohibit inflow sources into the sewer system; and

(D) Prohibit introduction of toxic or hazardous wastes into the sewer system in an amount or concentration that endangers the public's safety or the physical integrity of the system which may cause violations of the national pollutant discharge elimination system permit or state waste discharge permit.

(b) Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.118B RCW or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of

plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

**Sec. 7.** RCW 70.146.070 and 2008 c 299 s 26 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by RCW 70.146.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(g) Except as otherwise provided in RCW 70.146.120, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) When making grants or loans for water pollution control facilities, the department may award grants or provide loans to publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(5) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 8.** RCW 90.48.290 and 1987 c 109 s 145 are each amended to read as follows:

The department is authorized to make and administer grants within appropriations authorized by the legislature to any municipal or public corporation, or political subdivision within the state for the purpose of aiding in the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state including, but not limited to, projects for the control of storm or surface waters which will provide for the removal of waste or polluting materials therefrom.

Grants so made by the department shall be subject to the following limitations:

(1) No grant shall be made in an amount which exceeds the recipient's contribution to the estimated cost of the project: PROVIDED, That the following shall be considered a part of the recipient's contribution:

(a) Any grant received by the recipient from the federal government pursuant to section 8(f) of the Federal Water Pollution Control Act (33 U.S.C. 466) for the project;

(b) Any expenditure which is made by any municipal or public corporation, or political subdivision within the state as a part of a joint effort with the recipient to carry out the project and which has not been used as a matching contribution for another grant made pursuant to this chapter, and

(c) Any expenditure for the project made by the recipient out of moneys advanced by the department from a revolving fund and repayable to said fund.

(2) No grant shall be made for any project which does not qualify for and receive a grant of federal funds under the provisions of the Federal Water Pollution Control Act as now or hereafter amended: PROVIDED, That this restriction shall not apply to state grants made in any biennium over and above the amount of such grants required to match all federal funds allocated to the state for such biennium. As such, grants may be made for the planning, design, and construction of any publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) No grant shall be made to any municipal or public corporation, or political subdivision for any project located within a drainage basin unless the department shall have previously adopted a comprehensive water pollution control and abatement plan and unless the project is found by the department to conform with such basin comprehensive plan: PROVIDED, That the requirement for a project to conform to a comprehensive water pollution control and abatement plan may be waived by the department for any grant application filed with the department prior to July 1, 1974, in those situations where the department finds the public interest would be served better by approval of any grant application made prior to adoption of such plan than by its denial.

(4) Recipients of grants shall meet such qualifications and follow such procedures in applying for grants as shall be established by the department.

(5) Grants may be made to reimburse recipients for expenditures made after July 1, 1967, for projects which meet the requirements of this section and were commenced after the recipient had filed a grant application with the department.

**NEW SECTION. Sec. 9.** The department of ecology may adopt rules to implement this act.

**NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 90.50A.020, 90.50A.030, 90.50A.040, 90.50A.060, 90.48.110, 70.146.070, and 90.48.290; adding a new section to chapter 90.50A RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

##### MOTION

Representative Warnick moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116.

Representative Warnick spoke in favor of the motion to concur.

Representative Dunshee spoke against of the motion to concur.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 2116.

##### ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 2116, and the motion was not adopted by the following vote: Yeas, 35; Nays, 59; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloschia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

The House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

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

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)**

**Creating a temporary workforce employment and training program. Revised for 2nd Substitute: Revising unemployment compensation and workforce training provisions.**

Representative Conway moved the adoption of amendment (892):

Strike everything after the enacting clause and insert the following:

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

(a) This is a time of great economic difficulty for the residents of Washington state;

(b) Education and training provides opportunity for unemployed workers and economically disadvantaged adults to move into living wage jobs and is of critical importance to the current and future prosperity of the residents of Washington state;

(c) Community and technical college workforce training programs, private career schools and colleges, and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high-demand occupations while also meeting the needs of the economy;

(d) The identification of high-demand occupations needs to be based on reliable labor market research; and

(e) Workforce development councils are in a position to provide funding for economically disadvantaged adults and unemployed workers to access training.

(2) Consistent with the intent of the workforce investment act and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the legislature intends that

individuals who are eligible for services under the workforce investment act adult and dislocated worker programs, or are receiving or have exhausted entitlement to unemployment compensation benefits be provided the opportunity to enroll in training programs to prepare for a high-demand occupation.

**Sec. 2.** RCW 50.24.014 and 2007 c 327 s 2 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and section 4, chapter 3, Laws of 2009 and the costs under RCW 50.22.150(~~(+0)~~) (11) and section 4(14), chapter 3, Laws of 2009. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

**NEW SECTION. Sec. 3.** (1) Subject to the availability of funds through March 1, 2011, funds appropriated in the 2009-2011 operating budget for the purposes of this act shall be distributed by the employment security department to workforce development councils as a match to American recovery and reinvestment act formula funds or local workforce investment act funds that workforce development councils provide specifically for the education and training of eligible individuals in high-demand occupations for the purposes identified in section 5(2) of this act. The education and

training of eligible individuals in occupations in the aerospace, energy efficiency, forest product, and health care industries shall be given priority, so long as the priority is consistent with federal law.

(a) Funds used to increase capacity as described in section 5(2)(a) of this act shall receive a seventy-five percent match.

(b) Funds used to provide student financial aid described in section 5(2)(b) of this act shall receive a twenty-five percent match.

(2) Funds available for the purposes identified in section 5(2) of this act but not distributed under subsection (1) of this section shall be allocated to the state board for community and technical colleges March 1, 2011. The board shall only use the funds to increase capacity as described in section 5(2)(a) of this act. The board shall report to the employment security department on the use of these funds.

(3) The employment security department, in cooperation with the workforce training and education coordinating board and the state board for community and technical colleges, shall develop a set of guidelines on allowable uses for the incentive funds made available under this section. These guidelines shall emphasize training programs that expand the skills for Washington workers in order to obtain and retain jobs in high-demand industries such as those referenced in the American recovery and reinvestment act of 2009.

(4) This section expires July 1, 2011.

**NEW SECTION. Sec. 4.** The governor shall direct ten percent of statewide funds made available for activities under the workforce investment act in Title VIII of division A of the American recovery and reinvestment act of 2009 (P.L. 111-5) to be used for the purposes of section 3 of this act.

**NEW SECTION. Sec. 5.** (1) Consistent with the intent of the workforce investment act adult and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the employment security department shall encourage an increase in education and training through grants and local plan modifications with workforce development councils. The department shall encourage workforce development councils to collaborate with other local recipients of American recovery and reinvestment act funding for the purposes of increasing training and supporting individuals who receive training. The department shall also require workforce development councils to determine the number of participants who will receive education and training in high-demand industries. The department shall require the workforce development councils to report on these efforts to accomplish the tasks described in this subsection.

(2) The employment security department shall use funds as described in section 3 of this act to encourage workforce development councils to use American recovery and reinvestment act and workforce investment act adult and dislocated worker formula resources for the following education and training purposes:

(a) To provide enrollment support or enter into contracts with the community and technical college system to increase capacity for training eligible individuals for high-demand and other occupations listed in section 3(1) of this act in programs on the eligible training provider list or new programs; and

(b) For the provision of individual training accounts that provide financial aid for eligible students training for high-demand and other occupations listed in section 3(1) of this act in programs on the eligible training provider list.

(3) American recovery and reinvestment act formula funds described in this section may not be used to replace or supplant any existing enrollments, programs, support services, or funding sources.

(4) The employment security department, in its role as fiscal agent for workforce funds available under the American recovery and

reinvestment act, shall monitor and report to the governor on the use of these funds and identify specific actions that the governor or the legislature may take to ensure the state and local workforce development councils are effectively meeting the intent of this act. This shall include such reports as required by the American recovery and reinvestment act of 2009 and the governor.

(5) This section expires July 1, 2011.

**NEW SECTION. Sec. 6.** The employment security department, in collaboration with the workforce training and education coordinating board, workforce development councils, and the state board for community and technical colleges, shall submit a report to the governor and to the appropriate committees of the legislature by December 1, 2010. The report shall describe the implementation of this act, and shall include the following:

- (1) The amounts of expenditures on education and training;
- (2) The number of students receiving training;
- (3) The types of training received by the students;
- (4) Training completion and employment rates;
- (5) Comparisons of preprogram and postprogram wage levels;
- (6) Student demographics and institution/program demographics;

(7) Efforts made to ensure training was provided in areas that would lead to employment;

(8) Efforts to develop capacity in occupations that are of particularly high demand; and

(9) Specific enhancements made in the workforce system to ensure additional training in high-demand occupations is accessible to low- income and dislocated workers.

**NEW SECTION. Sec. 7.** A new section is added to chapter 50.22 RCW to read as follows:

The employment security department shall periodically bring together representatives of the workforce training and education coordinating board, workforce development councils, the state board for community and technical colleges, business, labor, and the legislature to review development and implementation of chapter . . . , Laws of 2009 (this act) and related programs under this chapter.

**NEW SECTION. Sec. 8.** 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.

Representative Conway spoke in favor of the adoption of the amendment.

Representative Condotta spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 58 – YEAS; 36 – NAYS.

Amendment (892) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, as amended by the House, having received the necessary constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate, on reconsideration.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 70; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Hinkle,

Johnson, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Roach, Ross, Schmick, Shea, Taylor and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2242 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.007 and 1993 c 280 s 2 are each amended to read as follows:

The purpose of this chapter is to establish the broad outline of the structure of the department of ~~((community, trade, and economic development))~~ commerce, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the ~~((new))~~ department and is intended to provide flexibility to the director to reorganize these functions and to make recommendations for changes ~~((through the implementation plan required in section 8, chapter 280, Laws of 1993))~~.

Sec. 2. RCW 43.330.010 and 2007 c 322 s 2 are each amended to read as follows:

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

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

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

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

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of ~~((community, trade, and economic development))~~ commerce and local microenterprise development organizations.

Sec. 3. RCW 43.330.020 and 1993 c 280 s 4 are each amended to read as follows:

A department of ~~((community, trade, and economic development))~~ commerce is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided ~~((in chapter 280, Laws of 1993))~~, the existing responsibilities and functions of the agency programs will continue to be administered in accordance with their implementing legislation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall, in collaboration with the office of the governor, the office of financial management, the Washington economic development commission, the chairs and ranking minority members of the community and economic development and trade committee of the house of representatives and the economic development, trade and innovation committee of the senate, and the chairs and ranking members, or their designees, of the ways and means committees of the house of representatives and the senate and the house of representatives capital budget committee, develop a report with analysis and recommendations on statutory changes that would ensure that the department's efforts are efficient, effective, and:

- (a) Are organized around a concise core mission and aligned with the state's comprehensive plan for economic development;
- (b) Are capable of providing focused and flexible responses to changing economic conditions;
- (c) Generate greater local capacity to respond to local opportunities and needs;
- (d) Face no administrative barriers to leveraging state resources or procuring private and federal resources;
- (e) Maximize results through partnerships and the use of intermediaries; and
- (f) Provide transparency and increased accountability to the public, the governor, and the legislature.

(2) The report shall include recommendations for creating or consolidating programs deemed important to meeting the department's core mission and recommendations for terminating or transferring specific programs if they are not consistent with the department's core mission.

(3) In developing the recommendations, the director shall solicit the input of businesses, employees, economic development practitioners, local governments, planning professionals, community and housing organizations, and other key economic and community development stakeholders.

(4) The recommendations must be delivered to the governor and the appropriate legislative committees by November 1, 2009.

Sec. 5. RCW 43.330.092 and 2005 c 136 s 15 are each amended to read as follows:

The film and video promotion account is created in the state treasury. All revenue received for film and video promotion purposes under RCW 43.330.090~~((+))~~ (2)(b) and all receipts from RCW 36.102.060(14) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of ~~((community, trade, and economic development))~~ commerce only for the purposes of promotion of the film and video production industry in the state of Washington.

Sec. 6. RCW 43.330.094 and 2007 c 228 s 202 are each amended to read as follows:

The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of ~~((community, trade, and economic development))~~ commerce only for the purposes of expanding and promoting the tourism industry in the state of Washington.

Sec. 7. RCW 43.330.125 and 1995 c 347 s 430 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce shall provide training and technical



assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.70B RCW.

**Sec. 8.** RCW 43.330.135 and 1995 c 13 s 1 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce shall distribute such funds as are appropriated for the statewide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide statewide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in RCW 24.03.490.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

**Sec. 9.** RCW 43.330.167 and 2004 c 276 s 718 are each amended to read as follows:

(1)(a) There is created in the custody of the state treasurer an account to be known as the homeless families services fund. Revenues to the fund consist of a one-time appropriation by the legislature, private contributions, and all other sources deposited in the fund.

(b) Expenditures from the fund may only be used for the purposes of the program established in this section, including administrative expenses. Only the director of the department of (~~community, trade, and economic development~~) commerce, or the director's designee, may authorize expenditures.

(c) Expenditures from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department may expend moneys from the fund to provide state matching funds for housing-based supportive services for homeless families over a period of at least ten years.

(3) Activities eligible for funding through the fund include, but are not limited to, the following:

- (a) Case management;
- (b) Counseling;
- (c) Referrals to employment support and job training services and direct employment support and job training services;
- (d) Domestic violence services and programs;
- (e) Mental health treatment, services, and programs;
- (f) Substance abuse treatment, services, and programs;
- (g) Parenting skills education and training;
- (h) Transportation assistance;
- (i) Child care; and

(j) Other supportive services identified by the department to be an important link for housing stability.

(4) Organizations that may receive funds from the fund include local housing authorities, nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, and regional or statewide nonprofit housing assistance organizations.

**Sec. 10.** RCW 43.330.170 and 2002 c 294 s 4 are each amended to read as follows:

The office of community development of the department of (~~community, trade, and economic development~~) commerce is directed to conduct a statewide housing market analysis by region. The purpose of the analysis is to identify areas of greatest need for the appropriate investment of state affordable housing funds, using vacancy data and other appropriate measures of need for low-income housing. The analysis shall include the number and types of projects that counties have developed using the funds collected under chapter 294, Laws of 2002. The analysis shall be completed by September 2003, and updated every two years thereafter.

**Sec. 11.** RCW 43.330.210 and 2000 c 120 s 5 are each amended to read as follows:

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department of (~~community, trade, and economic development~~) commerce shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or (~~inactions [inaction]~~) inaction of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members.

**Sec. 12.** RCW 43.330.240 and 2000 c 120 s 9 are each amended to read as follows:

The department of (~~community, trade, and economic development~~) commerce shall adopt rules for the implementation of policies established by the governing board in RCW 43.330.200 through 43.330.230. Such rules will be consistent with those statutes and chapter 34.05 RCW.

**Sec. 13.** RCW 43.330.250 and 2008 c 329 s 914 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of (~~community, trade, and economic development~~) commerce and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) During the 2007-2009 fiscal biennium, moneys in the account may also be transferred into the state general fund.

(5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Workforce development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility; and

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

(6) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of (~~community, trade, and economic development~~) commerce or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

**Sec. 14.** RCW 43.330.280 and 2007 c 227 s 2 are each amended to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the

implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of (~~community, trade, and economic development~~) commerce to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business

initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of chapter 227, Laws of 2007 and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

**Sec. 15.** RCW 43.330.290 and 2007 c 322 s 3 are each amended to read as follows:

The microenterprise development program is established in the department of ~~((community, trade, and economic development))~~ commerce. In implementing the program, the department:

(1) Shall provide organizational support to a statewide microenterprise association and shall contract with the association for the delivery of services and distribution of grants;

(a) The association shall serve as the department's agent in carrying out the purpose and service delivery requirements of this section;

(b) The association's contract with the department shall specify that in administering the funds provided for under subsection (3) of this section, the association may use no greater than ten percent of the funds to cover administrative expenses;

(2) Shall provide funds for capacity building for the statewide microenterprise association and microenterprise development organizations throughout the state;

(3) Shall provide grants to microenterprise development organizations for the delivery of training and technical assistance services;

(4) Shall identify and facilitate the availability of state, federal, and private sources of funds which may enhance microenterprise development in the state;

(5) Shall develop with the statewide microenterprise association criteria for the distribution of grants to microenterprise development organizations. Such criteria may include:

(a) The geographic representation of all regions of the state, including both urban and rural communities;

(b) The ability of the microenterprise development organization to provide business development services in low-income communities;

(c) The scope of services offered by a microenterprise development organization and their efficiency in delivery of such services;

(d) The ability of the microenterprise development organization to monitor the progress of its customers and identify technical and financial assistance needs;

(e) The ability of the microenterprise development organization to work with other organizations, public entities, and financial institutions to meet the technical and financial assistance needs of its customers;

(f) The sufficiency of operating funds for the microenterprise development organization; and

(g) Such other criteria as agreed by the department and the association;

(6) Shall require the statewide microenterprise association and any microenterprise development organization receiving funds through the microenterprise development program to raise and contribute to the effort funded by the microenterprise development program an amount equal to twenty-five percent of the microenterprise development program funds received. Such matching funds may come from private foundations, federal or local sources, financial institutions, or any other source other than funds appropriated from the legislature;

(7) Shall require under its contract with the statewide microenterprise association an annual accounting of program outcomes, including job creation, access to capital, leveraging of nonstate funds, and other outcome measures specified by the department. By January 1, 2012, the joint legislative audit and review committee shall use these outcome data and other relevant information to evaluate the program's effectiveness; and

(8) May adopt rules as necessary to implement this section.

**Sec. 16.** RCW 43.330.300 and 2008 c 290 s 1 are each amended to read as follows:

(1) The financial fraud and identity theft crimes investigation and prosecution program is created in the department of ~~((community, trade, and economic development))~~ commerce. The department shall:

(a) Appoint members of the financial fraud task forces created in subsection (2) of this section;

(b) Administer the account created in subsection (3) of this section; and

(c) By December 31st of each year submit a report to the appropriate committees of the legislature and the governor regarding the progress of the program and task forces. The report must include recommendations on changes to the program, including expansion.

(2)(a) The department shall establish two regional financial fraud and identity theft crime task forces that include a central Puget Sound task force that includes King and Pierce counties, and a Spokane county task force. Each task force must be comprised of local law enforcement, county prosecutors, representatives of the office of the attorney general, financial institutions, and other state and local law enforcement.

(b) The department shall appoint: (i) Representatives of local law enforcement from a list provided by the Washington association of sheriffs and police chiefs; (ii) representatives of county prosecutors from a list provided by the Washington association of prosecuting attorneys; and (iii) representatives of financial institutions.

(c) Each task force shall:

(i) Hold regular meetings to discuss emerging trends and threats of local financial fraud and identity theft crimes;

(ii) Set priorities for the activities for the task force;

(iii) Apply to the department for funding to (A) hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and (B) acquire other needed resources to conduct the work of the task force;

(iv) Establish outcome-based performance measures; and

(v) Twice annually report to the department regarding the activities and performance of the task force.

(3) The financial fraud and identity theft crimes investigation and prosecution account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenue to the account may include appropriations, revenues generated by the surcharge imposed in RCW 62A.9A-525, federal funds, and any other gifts or grants. Expenditures from the account may be used only to support the activities of the financial fraud and identity theft crime investigation and prosecution task forces and the program administrative expenses of the department, which may not exceed ten percent of the amount appropriated.

(4) For purposes of this section, "financial fraud and identity theft crimes" includes those that involve: Check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments such as checks or documents, organized counterfeit check rings, and organized identification theft rings.

**Sec. 17.** RCW 43.330.900 and 1993 c 280 s 79 are each amended to read as follows:

~~((+))~~ All references to the director or department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the director of ~~((community, trade, and economic development))~~ commerce or the department of ~~((community, trade, and economic development))~~ commerce.

~~((2))~~ All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.

**Sec. 18.** RCW 19.260.020 and 2006 c 194 s 1 are each amended to read as follows:

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

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and

warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

(9) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(11) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

(12) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

(13) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

(14)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

(15)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.

(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically

attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.

(16) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

(18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

**Sec. 19.** RCW 19.280.020 and 2006 c 195 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) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest

reasonable cost to the utility and its ratepayers and that complies with the requirements specified in RCW 19.280.030(1).

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in RCW 19.280.030(2).

**Sec. 20.** RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No. 937) are each amended to read as follows:

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

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of ~~((community, trade, and economic development))~~ commerce or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; or

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments.

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and (i) biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

**Sec. 21.** RCW 35.105.010 and 2008 c 299 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) "Community and urban forest assessment" means an analysis of the community and urban forest inventory to: Establish the scope and scale of forest-related benefits and services; determine the economic valuation of such benefits, highlight trends, and issues of concern; identify high priority areas to be addressed; outline strategies for addressing the critical issues and urban landscapes; and identify opportunities for retaining trees, expanding forest canopy, and planting additional trees to sustain Washington's urban and community forests.

(2) "Community and urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of a community and urban forest. An inventory may evaluate individual trees or groups of trees or canopy cover within community and urban forests, and will be periodically updated by the department of natural resources.

(3) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Evergreen community ordinances" means ordinances adopted by the legislative body of a city, town, or county that relate to urban forests and are consistent with this chapter.

(5) "Evergreen community" means a city, town, or county designated as such under RCW 35.105.030.

(6) "Management plan" means an evergreen community urban forest management plan developed pursuant to this chapter.

(7) "Public facilities" has the same meaning as defined in RCW 36.70A.030.

(8) "Public forest" means urban forests owned by the state, city, town, county, or other public entity within or adjacent to the urban growth areas.

(9) "Reforestation" means establishing and maintaining trees and urban forest canopy in plantable spaces such as street rights-of-way, transportation corridors, interchanges and highways, riparian areas, unstable slopes, shorelines, public lands, and property of willing private landowners.

(10) "Tree canopy" means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

(11) "Urban forest" has the same definition as provided for the term "community and urban forest" in RCW 76.15.010.

**Sec. 22.** RCW 36.70A.030 and 2005 c 423 s 2 are each amended to read as follows:

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

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of (~~community, trade, and economic development~~) commerce.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(18) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(19) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(20) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(21) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands

created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**Sec. 23.** RCW 39.86.110 and 1995 c 399 s 57 are each amended to read as follows:

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

(1) "Agency" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Board" means the community economic revitalization board established under chapter 43.160 RCW.

(3) "Bonds" means bonds, notes, or other obligations of an issuer.

(4) "Bond use category" means any of the following categories of bonds which are subject to the state ceiling: (a) Housing, (b) student loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f) public utility; and (g) remainder.

(5) "Carryforward" is an allocation or reallocation of the state ceiling which is carried from one calendar year to a later year, in accordance with the code.

(6) "Code" means the federal internal revenue code of 1986 as it exists on May 8, 1987. It also means the code as amended after May 8, 1987, but only if the amendments are approved by the agency under RCW 39.86.180.

(7) "Director" means the director of the agency or the director's designee.

(8) "Exempt facility" means the bond use category which includes all bonds which are exempt facility bonds as described in the code, except those for qualified residential rental projects.

(9) "Firm and convincing evidence" means documentation that satisfies the director that the issuer is committed to the prompt financing of, and will issue tax exempt bonds for, the project or program for which it requests an allocation from the state ceiling.

(10) "Housing" means the bond use category which includes: (a) Mortgage revenue bonds and mortgage credit certificates as described in the code; and (b) exempt facility bonds for qualified residential rental projects as described in the code.

(11) "Initial allocation" means the portion or dollar value of the state ceiling which initially in each calendar year is allocated to a bond use category for the issuance of private activity bonds, in accordance with RCW 39.86.120.

(12) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue private activity bonds under state law.

(13) "Private activity bonds" means obligations that are private activity bonds as defined in the code or bonds for purposes described in section 1317(25) of the tax reform act of 1986.

(14) "Program" means the activities for which housing bonds or student loan bonds may be issued.

(15) "Public utility" means the bond use category which includes those bonds described in section 1317(25) of the tax reform act of 1986.

(16) "Redevelopment" means the bond use category which includes qualified redevelopment bonds as described in the code.

(17) "Remainder" means that portion of the state ceiling remaining after initial allocations are made under RCW 39.86.120 for any other bond use category.

(18) "Small issue" means the bond use category which includes all industrial development bonds that constitute qualified small issue bonds, as described in the code.

(19) "State" means the state of Washington.

(20) "State ceiling" means the volume limitation for each calendar year on tax-exempt private activity bonds, as imposed by the code.

(21) "Student loans" means the bond use category which includes qualified student loan bonds as described in the code.

**Sec. 24.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and 2007 c 15 s 1 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of ~~((community, trade, and economic development))~~ commerce, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, recreation and conservation funding board, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery



commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines (~~(hearings)~~) hearings board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 25.** RCW 43.17.010 and 2007 c 341 s 46 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of ~~((community, trade, and economic development))~~ commerce, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**Sec. 26.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of ~~((community, trade, and economic development))~~ commerce, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 27.** RCW 43.21F.025 and 1996 c 186 s 102 are each amended to read as follows:

(1) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service

company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

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

(4) "Assistant director" means the assistant director of the department of ~~((community, trade, and economic development))~~ commerce responsible for energy policy activities;

(5) "Department" means the department of ~~((community, trade, and economic development))~~ commerce;

(6) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(7) "State energy strategy" means the document and energy policy direction developed under section 1, chapter 201, Laws of 1991 including any related appendices.

**Sec. 28.** RCW 43.31.455 and 2005 c 402 s 3 are each amended to read as follows:

The definitions in this section apply throughout RCW 43.31.450 through 43.31.475 unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

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

(3) "Foster youth" means a person who is fifteen years of age or older who is a dependent of the department of social and health services; or a person who is at least fifteen years of age, but not more than twenty-three years of age, who was a dependent of the department of social and health services for at least twenty-four months after attaining thirteen years of age.

(4) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income individual and funded through periodic contributions by the low-income individual which are matched with contributions by or through the sponsoring organization.

(5) "Low-income individual" means a person whose household income is equal to or less than either:

(a) Eighty percent of the median family income, adjusted for household size, for the county or metropolitan statistical area where the person resides; or

(b) Two hundred percent of the federal 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. 9902(2).

(6) "Program" means the individual development account program established pursuant to RCW 43.31.450 through 43.31.475.

(7) "Sponsoring organization" means: (a) A nonprofit, fund-raising organization that is exempt from taxation under section 501(c)(3) of the internal revenue code as amended and in effect on January 1, 2005; (b) a housing authority established under RCW 35.82.030; or (c) a federally recognized Indian tribe.

**Sec. 29.** RCW 43.31.522 and 2005 c 136 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524:

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of (~~community, trade, and economic development~~) commerce.

(3) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

**Sec. 30.** RCW 43.31.800 and 1993 c 280 s 52 are each amended to read as follows:

"Director" as used in RCW 43.31.790 through 43.31.850 and 67.16.100 means the director of (~~community, trade, and economic development~~) commerce.

**Sec. 31.** RCW 43.31C.010 and 2000 c 212 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) "Area" means a geographic area within a local government that is described by a close perimeter boundary.

(2) "Community empowerment zone" means an area meeting the requirements of RCW 43.31C.020 and officially designated by the director.

(3) "Department" means the department of (~~community, trade, and economic development~~) commerce.

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

(5) "Local government" means a city, code city, town, or county.

**Sec. 32.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of (~~community, trade, and economic development~~) commerce under chapter 43.330 RCW;

(17) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(19) "K-20 network" means the network established in RCW 43.105.820;

(20) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

**Sec. 33.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to read as follows:

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

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of (~~community, trade, and economic development~~) commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities. A planning project may include the compilation of biological, hydrological, or

other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

**Sec. 34.** RCW 43.157.010 and 2004 c 275 s 63 are each amended to read as follows:

(1) For purposes of this chapter and RCW 28A.525.166, 28B.76.210, 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and an industrial project of statewide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of statewide significance: (a) The project must be completed after January 1, 1997; (b) the applicant must submit an application for designation as an industrial project of statewide significance to the department of ~~((community, trade, and economic development))~~ commerce; and (c) the project must have:

(i) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars;

(ii) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars;

(iii) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars;

(iv) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars;

(v) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars;

(vi) In counties with a population of greater than four hundred thousand but no more than one million, a capital investment of six hundred million dollars;

(vii) In counties with a population of greater than one million, a capital investment of one billion dollars;

(viii) In counties with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of fifty or greater;

(ix) In counties with one hundred or more persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of one hundred or greater; or

(x) Been designated by the director of community, trade, and economic development as an industrial project of statewide significance either: (A) Because the county in which the project is to be located is a distressed county and the economic circumstances of

the county merit the additional assistance such designation will bring; or (B) because the impact on a region due to the size and complexity of the project merits such designation.

(2) The term manufacturing shall have the meaning assigned it in RCW 82.61.010.

(3) The term research and development shall have the meaning assigned it in RCW 82.61.010.

(4) The term applicant means a person applying to the department of ~~((community, trade, and economic development))~~ commerce for designation of a development project as an industrial project of statewide significance.

**Sec. 35.** RCW 43.160.020 and 2008 c 327 s 2 and 2008 c 131 s 1 are each reenacted and amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

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

(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.

(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.

(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.

**Sec. 36.** RCW 43.168.020 and 2008 c 131 s 2 are each amended to read as follows:

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

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of ~~((community, trade, and economic development))~~ commerce.

(3) "Distressed area" means: (a) A rural county; (b) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (c) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (d) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; or (e) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has

the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Fund" means the rural Washington loan fund.

(5) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(6) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(7) "Rural county" has the same meaning as provided in RCW 82.14.370.

**Sec. 37.** RCW 43.185.020 and 1995 c 399 s 101 are each amended to read as follows:

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

**Sec. 38.** RCW 43.185A.010 and 2008 c 6 s 301 are each amended to read as follows:

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

(1) "Affordable housing" means residential housing for rental occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income. The department shall adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

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

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

(4) "First-time home buyer" means an individual or his or her spouse or domestic partner who have not owned a home during the three- year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

**Sec. 39.** RCW 43.185B.010 and 1995 c 399 s 104 are each amended to read as follows:

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

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

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

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

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or

local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate- income households and special needs populations.

(5) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et seq.).

(6) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

**Sec. 40.** RCW 43.185C.010 and 2007 c 427 s 3 are each amended to read as follows:

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

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

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

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179, RCW 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the ~~((homeless housing))~~ home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to

housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of ~~((community, trade, and economic development))~~ commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

(18) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

**Sec. 41.** RCW 43.325.010 and 2007 c 348 s 301 are each amended to read as follows:

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

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of ~~((community, trade, and economic development))~~ commerce.

(8) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

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

(10) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

(11) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

(12) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

(13) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

(14) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

**Sec. 42.** RCW 43.336.010 and 2007 c 228 s 101 are each amended to read as follows:

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

(1) "Commission" means the Washington tourism commission.

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

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

(4) "Executive director" means the executive director of the commission.

**Sec. 43.** RCW 43.338.010 and 2008 c 315 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) "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))~~ commerce.

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

(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 RCW 43.338.020.

(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.

**Sec. 44.** RCW 43.360.010 and 2005 c 514 s 908 are each amended to read as follows:

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

(1) "Area" means a geographic area within a local government that is described by a closed perimeter boundary.

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

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

(4) "Local government" means a city, code city, or town.

(5) "Qualified levels of participation" means a local downtown or neighborhood commercial district revitalization program that has been designated by the department.

**Sec. 45.** RCW 43.362.010 and 2007 c 482 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) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Nongovernmental entities" includes nonprofit or membership organizations with experience or expertise in transferring development rights.

(3) "Transfer of development rights" includes methods for protecting land from development by voluntarily removing the development rights from a sending area and transferring them to a receiving area for the purpose of increasing development density in the receiving area.

**Sec. 46.** RCW 43.365.010 and 2006 c 247 s 2 are each amended to read as follows:

The following definitions apply to this chapter, unless the context clearly requires otherwise.

(1) "Approved motion picture competitiveness program" means a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production by recommending and awarding financial assistance for costs associated with motion pictures in the state of Washington.

(2) "Contribution" means cash contributions.

(3) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Motion picture" means a recorded audio-visual production intended for distribution to theaters, DVD, video, or the internet, or television, or one or more episodes of a single television series, television pilots or presentations, or a commercial. "Motion picture" does not mean production of a television commercial of an amount less than two hundred fifty thousand dollars in actual total investment or one or more segments of a newscast or sporting event.

(6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

(7) "Person" has the same meaning as provided in RCW 82.04.030.

**Sec. 47.** RCW 59.21.010 and 2002 c 257 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) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

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

(3) "Fund" means the mobile home park relocation fund established under RCW 59.21.050.

(4) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(5) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(6) "Relocate" means to remove the mobile home from the mobile home park being closed and to either reinstall it in another location or to demolish it and purchase another mobile/manufactured home constructed to the standards set by the department of housing and urban development.

(7) "Relocation assistance" means the monetary assistance provided under this chapter.

**Sec. 48.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the ~~((mobile home affairs))~~ manufactured housing account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Fee" means the mobile home title transfer fee imposed under RCW 59.22.080.

(6) "Fund" or "park purchase account" means the mobile home park purchase account created pursuant to RCW 59.22.030.

(7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(9) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(10) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(11) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030~~((4))~~ (10), or a manufactured home park subdivision as defined by RCW 59.20.030~~((6))~~ (12) created by the conversion to resident ownership of a mobile home park.

(12) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting

the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(13) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(14) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(15) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

(16) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(17) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

**Sec. 49.** RCW 70.103.020 and 2003 c 322 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) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(i) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(i) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or

elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in lead-based paint activities.

(3) "Certified inspector" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(4) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(5) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the department and performs lead-based paint activities to which the department has issued a certificate.

(6) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(7) "Certified risk assessor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(8) "Certified supervisor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(9) "Department" means the Washington state department of ~~((community, trade, and economic development))~~ commerce.

(10) "Director" means the director of the Washington state department of ~~((community, trade, and economic development))~~ commerce.

(11) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(12) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(13) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards.

(14) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(15) "State program" means a state administered lead-based paint activities certification and training program that meets the federal environmental protection agency requirements.

(16) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(17) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

**Sec. 50.** RCW 70.125.030 and 2000 c 54 s 1 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise:

(1) "Core services" means treatment services for victims of sexual assault including information and referral, crisis intervention, medical advocacy, legal advocacy, support, system coordination, and prevention for potential victims of sexual assault.

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

(3) "Law enforcement agencies" means police and sheriff's departments of this state.

(4) "Personal representative" means a friend, relative, attorney, or employee or volunteer from a community sexual assault program or specialized treatment service provider.

(5) "Rape crisis center" means a community-based social service agency which provides services to victims of sexual assault.

(6) "Community sexual assault program" means a community-based social service agency that is qualified to provide and provides core services to victims of sexual assault.

(7) "Sexual assault" means one or more of the following:

(a) Rape or rape of a child;

(b) Assault with intent to commit rape or rape of a child;

(c) Incest or indecent liberties;

(d) Child molestation;

(e) Sexual misconduct with a minor;

(f) Custodial sexual misconduct;

(g) Crimes with a sexual motivation; or

(h) An attempt to commit any of the aforementioned offenses.

(8) "Specialized services" means treatment services for victims of sexual assault including support groups, therapy, and specialized sexual assault medical examination.

(9) "Victim" means any person who suffers physical and/or mental anguish as a proximate result of a sexual assault.

**Sec. 51.** RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

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

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Energy assessment" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

(4) "Low income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(5) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or



cooperative, furnishing gas or electricity used to heat low-income residences.

(6) "Residence" means a dwelling unit as defined by the department.

(7) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

(8) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(9) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence.

(10) "Weatherizing agency" means any approved department grantee or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

**Sec. 52.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to read as follows:

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

(1) "Administrative costs" means the costs associated with procurement; payroll processing; personnel functions; management; maintenance and operation of space and property; data processing and computer services; accounting; budgeting; auditing; indirect costs; and organizational planning, consultation, coordination, and training.

(2) "Assessment" has the same meaning as provided in RCW 43.70.010.

(3) "At-risk" children are children who engage in or are victims of at-risk behaviors.

(4) "At-risk behaviors" means violent delinquent acts, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence.

(5) "Community public health and safety networks" or "networks" means the organizations authorized under RCW 70.190.060.

(6) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported by local residents.

(7) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of ~~((community, trade, and economic development))~~ commerce, and such other departments as may be specifically designated by the governor.

(8) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of ~~((community, trade, and economic development))~~ commerce or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

(9) "Fiduciary interest" means (a) the right to compensation from a health, educational, social service, or justice system organization that receives public funds, or (b) budgetary or policy-making

authority for an organization listed in (a) of this subsection. A person who acts solely in an advisory capacity and receives no compensation from a health, educational, social service, or justice system organization, and who has no budgetary or policy-making authority is deemed to have no fiduciary interest in the organization.

(10) "Outcome" or "outcome based" means defined and measurable outcomes used to evaluate progress in reducing the rate of at-risk children and youth through reducing risk factors and increasing protective factors.

(11) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a network. The network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match. State general funds shall not be used as a match for violence reduction and drug enforcement account funds created under RCW 69.50.520.

(12) "Policy development" has the same meaning as provided in RCW 43.70.010.

(13) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, alcohol and substance abuse, educational opportunities, employment opportunities, and absence of crime.

(14) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence.

**Sec. 53.** RCW 80.36.005 and 2003 c 134 s 1 are each amended to read as follows:

The definitions in this section apply throughout RCW 80.36.410 through 80.36.475, unless the context clearly requires otherwise.

(1) "Community agency" means local community agencies that administer community service voice mail programs.

(2) "Community service voice mail" means a computerized voice mail system that provides low-income recipients with: (a) An individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a private security code to retrieve messages.

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

(4) "Service year" means the period between July 1st and June 30th.

(5) "Community action agency" means local community action agencies or local community service agencies designated by the department of ~~((community, trade, and economic development))~~ commerce under chapter 43.63A RCW.

**Sec. 54.** RCW 80.80.010 and 2007 c 307 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) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Average available greenhouse ~~((gases [gas]))~~ gas emissions output" means the level of greenhouse ~~((gases [gas]))~~ gas emissions as surveyed and determined by the energy policy division of the

department of (~~community, trade, and economic development~~) commerce under RCW 80.80.050.

(4) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(5) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended:

(6) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

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

(10) "Distributed generation" means electric generation connected to the distribution level of the transmission and distribution grid, which is usually located at or near the intended place of use.

(11) "Electric utility" means an electrical company or a consumer-owned utility.

(12) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(16) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(17) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by the energy facility site evaluation council or a local jurisdiction.

(18) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality

permits as of July 22, 2007, but may result in incidental increases in generation capacity.

**Sec. 55.** RCW 82.73.010 and 2005 c 514 s 902 are each amended to read as follows:

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

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Contribution" means cash contributions.

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

(4) "Person" has the meaning given in RCW 82.04.030.

(5) "Program" means a nonprofit organization under internal revenue code sections 501(c)(3) or 501(c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area, that is designated by the department of (~~community, trade, and economic development~~) commerce as described in RCW 43.360.010 through 43.360.050.

(6) "Main street trust fund" means the department of (~~community, trade, and economic development~~) commerce's main street trust fund account under RCW 43.360.050.

**NEW SECTION. Sec. 56.** RCW 43.330.005 and 43.330.904 are decodified.

**NEW SECTION. Sec. 57.** (1) Section 16 of this act expires July 1, 2015.

(2) Section 41 of this act expires June 30, 2016.

**NEW SECTION. Sec. 58.** The code reviser shall note wherever director or department of community, trade, and economic development is used or referred to in statute that the name of the department has changed. The code reviser shall prepare legislation for the 2010 regular session that changes all statutory references to director or department of community, trade, and economic development to director or department of commerce."

On page 1, line 1 of the title, after "commerce;" strike the remainder of the title and insert "amending RCW 43.330.007, 43.330.010, 43.330.020, 43.330.092, 43.330.094, 43.330.125, 43.330.135, 43.330.167, 43.330.170, 43.330.210, 43.330.240, 43.330.250, 43.330.280, 43.330.290, 43.330.300, 43.330.900, 19.260.020, 19.280.020, 19.285.030, 35.105.010, 36.70A.030, 39.86.110, 43.17.010, 43.17.020, 43.21F.025, 43.31.455, 43.31.522, 43.31.800, 43.31C.010, 43.105.020, 43.155.020, 43.157.010, 43.168.020, 43.185.020, 43.185A.010, 43.185B.010, 43.185C.010, 43.325.010, 43.336.010, 43.338.010, 43.360.010, 43.362.010, 43.365.010, 59.21.010, 59.22.020, 70.103.020, 70.125.030, 70.164.020, 70.190.010, 80.36.005, 80.80.010, and 82.73.010; reenacting and amending RCW 42.17.2401 and 43.160.020; adding a new section to chapter 43.330 RCW; creating a new section; decodifying RCW 43.330.005 and 43.330.904; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2242 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL

**AS SENATE AMENDED**

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2242, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2242, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

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

Voting nay: Representative Carlyle.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED HOUSE BILL NO. 2242, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 24, 2009

Mr. Speaker:

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

SENATE BILL NO. 5359,

SENATE BILL NO. 5525,

SUBSTITUTE SENATE BILL NO. 5734,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,

ENGROSSED SENATE BILL NO. 5894,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6108,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1244, by Representatives Linville, Alexander and Ericks**

**Making 2009-2011 operating appropriations. Revised for 1st Substitute: Making operating appropriations for fiscal years 2007-2009 and 2009-2011.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1244 was substituted for House Bill No. 1244 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1244 was read the second time.

With the consent of the House, amendments (586), (819), (669), (804), (805), (868), (901), (906), (846), (899) and (908) were withdrawn.

*Format change to accommodate text.*

Representative Linville moved the adoption of amendment  
(895):

*Format change to accommodate text.*

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2009, and ending June 30, 2011, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2010).	\$33,500,000
General Fund--State Appropriation (FY 2011).	\$33,379,000
TOTAL APPROPRIATION.	\$66,879,000

**NEW SECTION. Sec. 102. FOR THE SENATE**

General Fund--State Appropriation (FY 2010).	\$24,957,000
General Fund--State Appropriation (FY 2011).	\$27,182,000
TOTAL APPROPRIATION.	\$52,139,000

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2010).	\$2,874,000
General Fund--State Appropriation (FY 2011).	\$2,884,000
TOTAL APPROPRIATION.	\$5,758,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2009-11 work plan as necessary to efficiently manage workload.

(2) Within the amounts appropriated in this section, the committee shall conduct a review of the effect of risk management practices on tort payouts. This review shall include an analysis of the state's laws, policies, procedures, and practices as they relate to the conduct of post-incident reviews and the impact of such reviews on the state's conduct and liability.

(3) Within the amounts appropriated in this section, the committee shall conduct a review of the state's workplace safety and health program. The review shall examine workplace safety inspection, enforcement, training, and outreach efforts compared to other states and federal programs; analyze workplace injury and illness rates and trends in Washington; identify factors that may influence workplace safety and health; and identify practices that may improve workplace safety and health and/or impact insurance costs.

(4) Within the amounts appropriated in this section, the committee shall prepare an evaluation of the implementation of legislation designed to improve communication, collaboration, and expedited medicaid attainment with regard to persons released from confinement who have mental health or chemical dependency disorders. The review shall evaluate the implementation of: (a) Chapter 166, Laws of 2004 (E2SSB 6358); (b) sections 507 and 508 of chapter 504, Laws of 2005 (E2SSB 5763); (c) sections 12 and 13 of chapter 503, Laws of 2005 (E2SHB 1290); and (d) section 8 of chapter 359, Laws of 2007 (2SHB 1088). The departments of corrections and social and health services, the administrative office of the courts, institutions for mental disease, city and county jails, city and county courts, county clerks, and mental health and chemical dependency treatment providers shall provide the committee with information necessary for the study.

(5) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a review of the state's recreational boating programs. This review shall include examination of the following:

(a) Revenue sources for state recreational boating programs;

(b) Expenditures for state boating programs;

(c) Methods of administrating state recreational boating programs, including the roles of both state and local government entities; and

(d) Approaches other states have taken to funding and administering their recreational boating programs.

The committee shall complete the review by October 31, 2010.

(6) Within amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed Substitute House Bill No. 2338 (growth management hearings boards).

(7) Within the amount appropriated in this section, the joint legislative audit and review committee shall examine the operations of employment and day services as provided by the department of social and health services, division of developmental disabilities and administered by the counties. The examination shall include a thorough review of the contracts for all services including, but not limited to,

employment services, day services, child development services and other uses of state dollars for county administration of services to the developmentally disabled. In its final report, due to the legislature by September 1, 2010, the joint legislative audit and review committee shall provide: A description of how funds are used and the rates paid to vendors, and a recommendation on best practices the agency may use for the development of a consistent, outcome-based contract for services provided under contract with the counties.

(8) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a study of the relationship between the cost of school districts and their enrollment size. The study shall be completed by June 2010 and shall include:

(a) An analysis of how categories of costs vary related to size, including but not limited to facility costs, transportation costs, educational costs, and administrative costs;

(b) A review of other factors that may impact costs, such as revenues available from local levies and other sources, geographic dispersion, demographics, level of services received from educational service districts, and whether districts operate a high school;

(c) Case studies on the change in cost patterns occurring after school district consolidations and for school districts operating under state oversight condition specified in RCW 28A.505.110; and

(d) A review of available research on nonfinancial benefits and impacts associated with school and school district size.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund--State Appropriation (FY 2010). . . . .	\$1,748,000
General Fund--State Appropriation (FY 2011). . . . .	\$1,927,000
TOTAL APPROPRIATION. . . . .	\$3,675,000

The appropriations in this section are subject to the following conditions and limitations: \$36,000 of the general fund--state appropriation for fiscal year 2010 and \$35,000 of the general fund-- state appropriation for fiscal year 2011 are for the implementation of Engrossed Senate Bill No. 6048 (state education system). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund--State Appropriation (FY 2010). . . . .	\$200,000
General Fund--State Appropriation (FY 2011). . . . .	\$25,000
Health Care Authority Administrative Account--State Appropriation. . . . .	\$735,000
Department of Retirement Systems Expense Account--State Appropriation. . . . .	\$3,309,000
TOTAL APPROPRIATION. . . . .	\$4,269,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the department of retirement systems--state appropriation is provided solely for the continued study of local government liabilities for postretirement medical benefits for members of plan 1 of the law enforcement officers' and firefighters' retirement system.

(2) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for the state actuary to contract with the Washington state institute for public policy for a study of the disability benefits provided to the plan 2 and plan 3 members of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system. Among the options the institute shall examine include statutory changes to the retirement systems and insurance products. The institute shall report its findings and recommendations to the select committee on pension policy by November 1, 2009.

(3) \$20,000 of the department of retirement systems--state appropriation is provided solely to assist the University of Washington medical center and Harborview medical center with the financial reporting of their postretirement benefits liabilities.

(4) \$175,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the office of the state actuary to conduct an independent assessment of alternatives for assuring the long-term financial solvency of the guaranteed education tuition program including suspension of the program. In conducting this review, the office may contract for assistance, and shall consult with the higher education coordinating board, the operating budget committees of the legislature, the office of financial management, and the state's public colleges and universities. The office shall report findings, an assessment of the major alternatives, and suggested actions to the governor and to the relevant legislative committees by November 15, 2009.

(5) \$735,000 of the health care authority administrative account-- state appropriation is provided solely for the state actuary to conduct a study, directly or by contract, of the cost of providing health benefits for public employees. The study shall conduct a comparison of the actuarial value of health benefits provided to employees of Washington state retirement systems-participating employers, and the cost of those benefits to employees and employers. All state retirement system participating employers shall provide data requested by the state actuary to conduct the study, including the ages and genders of covered employees and dependents, counts of covered employees by medical conditions, eligibility criteria, plan design, and costs to employers and employees by employee tier. By December 15, 2010, the state actuary shall report the findings of the study to the governor and the fiscal committees of the legislature.

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2010). . . . .	\$8,651,000
General Fund--State Appropriation (FY 2011). . . . .	\$8,519,000
TOTAL APPROPRIATION. . . . .	\$17,170,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2010). . . . .	\$4,610,000
General Fund--State Appropriation (FY 2011). . . . .	\$5,029,000

TOTAL APPROPRIATION..... \$9,639,000

**NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION**

General Fund--State Appropriation (FY 2011). . . . . \$610,000

**NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES.** In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and redistricting commission.

**NEW SECTION. Sec. 110. FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2010). . . . . \$6,912,000

General Fund--State Appropriation (FY 2011). . . . . \$6,948,000

TOTAL APPROPRIATION..... \$13,860,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**NEW SECTION. Sec. 111. FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2010). . . . . \$1,924,000

General Fund--State Appropriation (FY 2011). . . . . \$1,922,000

TOTAL APPROPRIATION..... \$3,846,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2010). . . . . \$15,793,000

General Fund--State Appropriation (FY 2011). . . . . \$15,895,000

TOTAL APPROPRIATION..... \$31,688,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2010). . . . . \$1,032,000

General Fund--State Appropriation (FY 2011). . . . . \$1,082,000

TOTAL APPROPRIATION..... \$2,114,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2010). . . . . \$53,607,000

General Fund--State Appropriation (FY 2011). . . . . \$51,812,000

Judicial Information Systems Account--State Appropriation..... \$29,676,000

Judicial Stabilization Trust Account--State Appropriation. . . . . \$6,598,000

TOTAL APPROPRIATION..... \$141,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2010 and \$1,800,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction

to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2010 and \$8,253,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2009-11 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$5,700,000 of the judicial information systems account--state appropriation is provided solely for modernization and integration of the judicial information system.

(a) Of this amount, \$1,700,000 is for the development of a comprehensive enterprise-level information technology strategy and detailed business and operational plans in support of that strategy, and \$4,000,000 is to continue to modernize and integrate current systems and enhance case management functionality on an incremental basis.

(b) The amount provided in this subsection may not be expended without prior approval by the judicial information system committee and the information services board. The administrator shall regularly submit project plan updates for approval to the judicial information system committee and the information services board.

(c) The judicial information system committee and the information services board shall review project progress on a regular basis and may require quality assurance plans. The judicial information systems committee and the information services board shall provide a report to the appropriate committees of the legislature no later than November 1, 2011, on the status of the judicial information system modernization and integration, and the consistency of the project with the state's architecture, infrastructure and statewide enterprise view of service delivery.

(5) \$3,000,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts, and at state judicial agencies. The administrator for the courts shall prioritize equipment replacement purchasing and shall fund those items that are most essential or critical. By October 1, 2010, the administrative office of the courts shall report to the appropriate legislative fiscal committees on expenditures for equipment under this subsection.

(6) \$12,000 of the judicial information systems account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1954 (sealing juvenile records). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$106,000 of the general fund--state appropriation for fiscal year 2010 and \$106,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(8) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 115.** 2009 c 4 s 113 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2010)	\$25,385,000
General Fund--State Appropriation (FY 2011)	\$24,592,000
Judicial Stabilization Trust Account--State Appropriation	\$2,923,000
<b>TOTAL APPROPRIATION</b>	<b>\$52,900,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

(2) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

**NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund--State Appropriation (FY 2010)	\$11,175,000
General Fund--State Appropriation (FY 2011)	\$11,105,000
Judicial Stabilization Trust Account--State Appropriation	\$1,160,000
<b>TOTAL APPROPRIATION</b>	<b>\$23,440,000</b>

The appropriations in this section are subject to the following conditions and limitations:



(1) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2010 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2011 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2010). . . . .	\$5,880,000
General Fund--State Appropriation (FY 2011). . . . .	\$5,876,000
Economic Development Strategic Reserve Account--State Appropriation. . . . .	\$1,500,000
TOTAL APPROPRIATION. . . . .	\$13,256,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2)(a) Within the funds appropriated in this section, the governor shall convene a joint legislative and executive task force on coal fired power plants.

(i) The members of the task force shall consist of:

- (A) One member from each of the major caucuses of the senate, or their designees, as appointed by the president of the senate;
- (B) One member from each of the major caucuses of the house, or their designees, as appointed by the speaker of the house; and
- (C) The governor's designee.

(ii) The task force shall be chaired by the governor's designee.

(iii) Staff from the state energy office at the department of community, trade, and economic development, the department of revenue, and from the legislature as available, shall support the task force.

(b) The task force shall evaluate alternatives for how existing coal-fired power plants can meet the state's greenhouse gas emissions performance standard as required by Engrossed Second Substitute Senate Bill No. 5735.

(i) The task force shall review information on:

- (A) The availability of alternative power production technologies;
- (B) The timelines for planning, design, permitting, and construction of new power facilities;
- (C) The construction and operation costs of alternatives; and
- (D) Options for financing and cost recovery, including private joint ventures, government incentives, long-term purchase options, public power, and private-public partnerships.

(ii) The task force shall consider:

- (A) the long-term needs for the supply of electricity in western Washington;
- (B) The generation and transmission needs required to meet future supplies and sustain the electrical grid;
- (C) Existing government incentives for power facilities; and
- (D) Options for retaining jobs during a transition to cleaner energy facilities.

(iii) The task force shall identify barriers and opportunities for how existing coal-fired power plants can meet the state's emissions performance standard, and make recommendations for policies and incentives that could facilitate or accelerate meeting the requirements of Engrossed Second Substitute Senate Bill No. 5735.

(iv) The task force shall solicit information and advice from a broad range of experts, including representatives of:

- (A) Coal-fired power plants in Washington state, and the coal-fired power industry;
- (B) Clean energy industry associations;
- (C) Public and investor-owned utilities that supply electricity;
- (D) Financial institutions that invest in generation of electricity;
- (E) Environmental groups that focus on clean energy;
- (F) Federal and state agencies with jurisdiction or expertise in generation and distribution of electricity; and
- (G) Others as needed.

(v) The governor shall invite representatives from the Bonneville power administration and the Northwest power and conservation council to participate on the task force.

(4) By December 1, 2010, the task force shall submit a report to the governor and appropriate standing committees of the legislature, with recommendations for policies or incentives that would facilitate and accelerate the ability of existing coal-fired power plants to meet the state's greenhouse gas emissions performance standard. The task force recommendations must include timelines for interim decision points and other benchmarks needed to meet the requirements of Engrossed Second Substitute Senate Bill No. 5735 in an orderly fashion, including consideration of the following targets:

(a) By 2012, a determination of the potential for long-term sequestration of carbon emissions in geological formations near existing coal-fired power plants;

(b) By 2015, a determination of the feasibility for deploying large-scale capture and sequestration of greenhouse gas emissions, and if determined not feasible, what alternatives will be pursued to meet the performance standard; and

(c) By 2018, a decision on the type of clean energy facility needed to meet the state's emission performance standard, including actions by such date to ensure compliance with the standard in a timely fashion.

(5) By June 30, 2011, and every year thereafter, the department of community, trade, and economic development shall provide a progress report to the appropriate standing committees of the legislature on the actions undertaken pursuant to this section, including actions by the owner or operator of the coal-fired power plants to progress toward compliance with the state's emissions performance standard pursuant to Engrossed Second Substitute Senate Bill No. 5735.

**NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2010).	\$770,000
General Fund--State Appropriation (FY 2011).	\$788,000
General Fund--Private/Local Appropriation.	\$90,000
<b>TOTAL APPROPRIATION.</b>	<b>\$1,648,000</b>

**NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2010).	\$2,267,000
General Fund--State Appropriation (FY 2011).	\$2,264,000
<b>TOTAL APPROPRIATION.</b>	<b>\$4,531,000</b>

**NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2010).	\$21,370,000
General Fund--State Appropriation (FY 2011).	\$18,444,000
General Fund--Federal Appropriation.	\$8,121,000
Archives and Records Management Account--State Appropriation.	\$8,863,000
Department of Personnel Service Account--State Appropriation.	\$760,000
Local Government Archives Account--State Appropriation.	\$11,777,000
Election Account--Federal Appropriation.	\$29,715,000
<b>TOTAL APPROPRIATION.</b>	<b>\$99,050,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,101,000 of the general fund--state appropriation for fiscal year 2010 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,897,000 of the general fund--state appropriation for fiscal year 2010 and \$2,076,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2009-2011 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) The appropriations in this section are based upon savings assumed from the implementation of Senate Bill No. 6122 (election costs).

(4) The secretary of state shall not reduce the services provided by the talking book and Braille library below the service level provided in fiscal year 2008.

(5) In implementing budget reductions, the office of the secretary of state must make its first priority to maintain funding for the elections division.

**NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund--State Appropriation (FY 2010).	\$266,000
General Fund--State Appropriation (FY 2011).	\$276,000
<b>TOTAL APPROPRIATION.</b>	<b>\$542,000</b>

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training

sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2010).	\$236,000
General Fund--State Appropriation (FY 2011).	\$224,000
TOTAL APPROPRIATION.	\$460,000

**NEW SECTION. Sec. 123. FOR THE STATE TREASURER**

State Treasurer's Service Account--State Appropriation.	\$14,802,000
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**NEW SECTION. Sec. 124. FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2010).	\$722,000
General Fund--State Appropriation (FY 2011).	\$729,000
State Auditing Services Revolving Account--State Appropriation.	\$12,061,000
TOTAL APPROPRIATION.	\$13,512,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$722,000 of the general fund--state appropriation for fiscal year 2010 and \$729,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) By November 1 of each fiscal year of the 2009-11 biennium, the state auditor shall report to the senate and house of representatives committees on ways and means on state expenditure savings achieved from the implementation of performance audits conducted by the state auditor. It is the intent of the legislature to reduce the 2009-11 legislative transfers from the performance audits of government accounts to recognize actual reductions achieved in expenditures from the state treasury as a result of these performance audits.

**NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2010).	\$171,000
General Fund--State Appropriation (FY 2011).	\$212,000
TOTAL APPROPRIATION.	\$383,000

**NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2010).	\$5,325,000
General Fund--State Appropriation (FY 2011).	\$5,654,000
General Fund--Federal Appropriation.	\$4,026,000
New Motor Vehicle Arbitration Account--State Appropriation.	\$1,346,000
Legal Services Revolving Account--State Appropriation.	\$221,515,000
Tobacco Prevention and Control Account--State Appropriation.	\$270,000
TOTAL APPROPRIATION.	\$238,136,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The office of the attorney general is authorized to expend \$2,100,000 from the Zyprexa and other cy pres awards towards consumer protection costs in accordance with uses authorized in the court orders.

(4) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(5) \$40,000 of the fiscal year 2010 general fund--state appropriation and \$40,000 of the fiscal year 2011 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5850 (human trafficking violations). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2010).	\$779,000
General Fund--State Appropriation (FY 2011).	\$772,000
TOTAL APPROPRIATION.	\$1,551,000

The appropriations in this section are subject to the following conditions and limitations: \$13,000 of the general fund--state appropriation for fiscal year 2010 and \$7,000 of the general fund-- state appropriation for fiscal year 2011 are for the implementation of Second Substitute House Bill No. 2106 (improving child welfare outcomes through the phased implementation of strategic and proven reforms). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2010).	\$51,240,000
General Fund--State Appropriation (FY 2011).	\$51,938,000
General Fund--Federal Appropriation.	\$384,540,000
General Fund--Private/Local Appropriation.	\$16,266,000
Public Works Assistance Account--State Appropriation.	\$2,990,000
Tourism Development and Promotion Account--State Appropriation.	\$1,003,000
Drinking Water Assistance Administrative Account--State Appropriation.	\$439,000
Lead Paint Account--State Appropriation.	\$18,000
Building Code Council Account--State Appropriation.	\$1,286,000
Home Security Fund Account--State Appropriation.	\$23,498,000
Affordable Housing for All Account--State Appropriation.	\$11,900,000
Washington Auto Theft Prevention Authority Account--State Appropriation.	\$300,000
Independent Youth Housing Account--State Appropriation.	\$80,000
Community Preservation and Development Authority Account--State Appropriation.	\$350,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account--State Appropriation.	\$1,166,000
Low-Income Weatherization Assistance Account--State Appropriation.	\$8,382,000
Manufacturing Innovation and Modernization Account--State Appropriation.	\$246,000
Community and Economic Development Fee Account--State Appropriation.	\$1,833,000
Washington Housing Trust Account--State Appropriation.	\$15,372,000
Public Facility Construction Loan Revolving Account--State Appropriation.	\$755,000
TOTAL APPROPRIATION.	\$573,602,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,520,000 of the general fund--state appropriation for fiscal year 2010 and \$2,521,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities.

(2) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement section 2(7) of Engrossed Substitute House Bill No. 1959 (land use and transportation planning for marine container ports).

(4) \$102,000 of the building code council account--state appropriation is provided solely for the implementation of sections 3 and 7 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If sections 3 and 7 of the bill are not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5)(a) \$10,500,000 of the general fund--federal appropriation is provided for training and technical assistance associated with low income weatherization programs. Subject to federal requirements, the department shall provide: (i) Up to \$4,000,000 to the state board for community and technical colleges to provide workforce training related to weatherization and energy efficiency; (ii) up to \$3,000,000 to the Bellingham opportunity council to provide workforce training related to energy efficiency and weatherization; and (iii) up to \$3,500,000 to community-based organizations and to community action agencies consistent with the provisions of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). Any funding remaining shall be expended in project 91000013, weatherization, in the omnibus capital appropriations act, Substitute House Bill No. 1216 (capital budget).

(b) \$6,787,000 of the general fund--federal appropriation is provided solely for the state energy program, including not less than \$5,000,000 to provide credit enhancements consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings).

(c) Of the general fund--federal appropriation the department shall provide: \$14,500,000 to the Washington State University for the purpose of making grants for pilot projects providing community-wide urban, residential, and commercial energy efficiency upgrades consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings); \$500,000 to Washington State University to conduct farm energy assessments. In contracting with the Washington State University for the provision of these services, the total administration of Washington State University and the department shall not exceed 3 percent of the amounts provided.

(d) \$38,500,000 of the general fund--federal appropriation is provided for deposit in the energy recovery act account to establish a revolving loan program, consistent with the provisions of Engrossed Substitute House Bill No. 2289 (expanding energy freedom program).

(e) \$10,646,000 of the general fund--federal appropriation is provided pursuant to the energy efficiency and conservation block grant under the American reinvestment and recovery act. The department may use up to \$3,000,000 of the amount provided in this subsection to provide technical assistance for energy programs administered by the agency under the American reinvestment and recovery act.

(6) \$14,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5560 (state agency climate leadership). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$22,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(8) Associate development organizations receiving funding through the appropriations in this section shall work with the community and technical colleges to better align workforce and economic development programs within industry clusters identified by the associate development associations as necessary to deploy funds in response to high-demand fields and consistent with Engrossed Second Substitute Senate Bill No. 5809 (revising unemployment compensation and workforce training provisions). The workforce programs should be consistent with industry clusters identified by the associate development organization and approved by a private industry partner within the industry cluster.

(9) \$22,400,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program and is contingent upon the department transferring: \$1,200,000 to the department of corrections for security threat mitigation, \$2,336,000 to the department of corrections for offender reentry, \$1,960,000 to the Washington state patrol for law enforcement activities, \$2,087,000 to the department of social and health services, division of alcohol and substance abuse for drug courts, and \$428,000 to the department of social and health services for sex abuse recognition training. The remaining funds shall be distributed by the department to local jurisdictions.

(10) \$20,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to KCTS public television to support Spanish language programming and the V-me Spanish language channel.

(11) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(12) \$76,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5840 (energy independence). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(13) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6015 (commercialization of technology). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(14) By June 30, 2011, the department shall request information that describes what jurisdictions have adopted, or are in the process of adopting, plans that address RCW 36.70A.020 and helps achieve the greenhouse gas emission reductions established in RCW 70.235.020. This information request in this subsection applies to jurisdictions that are required to review and if necessary revise their comprehensive plans by December 1, 2011, in accordance with RCW 36.70A.130.

(15) During the 2009-11 fiscal biennium, the department shall allot all of its appropriations subject to allotment by object, account, and expenditure authority code to conform with the office of financial management's definition of an option 2 allotment. For those funds subject to allotment but not appropriation, the agency shall submit option 2 allotments to the office of financial management.

(16) A county receiving funds pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, shall, within that funding:

(a) Beginning July 1, 2009, include a life-cycle cost analysis program as one of the criteria in deciding which proposals to award funds. "Life-cycle cost analysis" means an analysis of the total discounted dollar cost of owning, operating, maintaining, and disposing of a building or building system to compare the cost of capital developments to vouchers, and to compare the cost of two or more competing development proposals.

(b) By September 30, 2009, and September 30, 2010, submit to the department of community, trade, and economic development a report describing the distribution of the funds. The report shall include:

- (i) A description of the process used by the county for allocating funds;
- (ii) The use of funds including, but not limited to, housing vouchers, program services, and housing projects; and
- (iii) The criteria used for making funding allocation decisions.

(c) By December 1st of each year, the department of community, trade, and economic development shall prepare a report to the legislature and the office of financial management compiling the reports submitted under (b) of this subsection. For the funds collected under RCW 36.22.178, 36.22.179, and 36.22.1791, and allocated by the department to entities other than counties, this report must also include:

- (i) A description of the process used by the department for allocating funds;
- (ii) The use of funds including, but not limited to, housing vouchers, program services, and housing projects; and
- (iii) The criteria used for making funding allocation decisions.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the state's participation in the Pacific Northwest economic region.

(18) The Washington state economic development commission shall review existing state infrastructure programs which are focused on economic development and provide analysis, findings, and recommendations to the legislature and governor on preferred policy priorities and funding options for existing programs and possible revised or new programs to best ensure successful state economic efforts which are: (a) Aligned with the state's comprehensive plan for economic development; (b) responding to emerging economic conditions and opportunities; (c) improving local capacity; (d) maximizing results through partnerships and leveraging private capital; and (e) providing accountability to the public, the executive branch, and the legislative branch. The commission shall submit its report to the governor and the legislature by December 1, 2009.

(19) \$712,000 of the general fund--state appropriation for fiscal year 2010 and \$712,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(20) \$306,000 of the general fund--state appropriation for fiscal year 2010 and \$306,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to the retired senior volunteer program.

(21) \$65,000 of the general fund--state appropriation for fiscal year 2010 and \$65,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(22) \$371,000 of the general fund--state appropriation for fiscal year 2010 and \$371,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the northwest agriculture business center.

(23) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties. Pass-through grants shall continue to be funded under 2007-09 policy.

(24) \$212,000 of the general fund--federal appropriation is provided solely for implementation of Second Substitute House Bill No. 1172 (development rights transfer). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(25) \$24,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Second Substitute House Bill No. 1797 (rural and resource lands study). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(26) \$69,000 of the general fund--state appropriation for fiscal year 2010 and \$66,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(27) \$350,000 of the community development and preservation authority account--state appropriation is provided solely for a grant to a community development authority established under chapter 43.167 RCW. The community preservation and development's board of directors may contract with nonprofit community organizations to aid in mitigating the effects of increased public impact on urban neighborhoods due to events in stadia that have a capacity of over 50,000 spectators.

(28) \$300,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for a contract with a community group to build local community capacity and economic development within the state by strengthening political relationships between economically distressed communities and governmental institutions. The community group shall identify opportunities for collaboration and initiate activities and events that bring community organizations, local governments, and state agencies together to address the impacts of poverty, political disenfranchisement, and economic inequality on communities of color. These funds must be matched by other nonstate sources on an equal basis.

(29) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(30) \$5,000,000 of the home security fund--state appropriation is provided solely for the operation, repair, and staffing of shelters in the homeless family shelter program.

**NEW SECTION. Sec. 129. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2010)	\$727,000
General Fund--State Appropriation (FY 2011)	\$793,000
TOTAL APPROPRIATION	\$1,520,000

**NEW SECTION. Sec. 130. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2010)	\$22,163,000
General Fund--State Appropriation (FY 2011)	\$20,792,000
General Fund--Federal Appropriation	\$23,597,000
General Fund--Private/Local Appropriation	\$1,270,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
Economic Development Strategic Reserve Account--State Appropriation	\$280,000
TOTAL APPROPRIATION	\$68,127,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$542,000 of the general fund--state appropriation for fiscal year 2010 and \$542,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Engrossed Senate Bill No. 6048 (state's education system). If the bill is not enacted by June 30, 2009, the accounts provided in this subsection shall lapse.

(3) The office of financial management shall conduct a study on alternatives for consolidating or transferring activities and responsibilities of the state lottery commission, state horse racing commission, state liquor control board, and the state gambling commission to achieve cost savings and regulatory efficiencies. In conducting the study, the office of financial management shall consult with the legislative fiscal committees. Further, the office of financial management shall establish an advisory group to include, but not be limited to, representatives of affected businesses, state agencies or entities, local governments, and stakeholder groups. The office of financial management shall submit a final report to the governor and the legislative fiscal committees by November 15, 2009.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for a study of the feasibility of closing state institutional facilities and a plan on eliminating beds in the state institutional facility inventory. The office of financial management shall contract with consultants with expertise related to the subject matters included in this study. The office of financial management and the consultants shall consult with the department of social and health services, the department of corrections, stakeholder groups that represent the people served in these institutions, labor organizations that represent employees who work in these institutions and other persons or entities with expertise in the areas being studied.

(a) For the purposes of this study, "state institutional facilities" means facilities operated by the department of corrections to house persons convicted of a criminal offense, Green Hill school and Maple Lane school operated by the department of social and health services juvenile rehabilitation administration, and residential habilitation centers operated by the department of social and health services.

(b) In conducting this study, the consultants shall consider the following factors as appropriate:

(i) The availability of alternate facilities including alternatives and opportunities for consolidation with other facilities, impacts on those alternate facilities, and any related capital costs;

(ii) The cost of operating the facility, including the cost of providing services and the cost of maintaining or improving the physical plant of the facility;

(iii) The geographic factors associated with the facility, including the impact of the facility on the local economy and the economic impact of its closure, and alternative uses for a facility recommended for closure;

(iv) The costs associated with closing the facility, including the continuing costs following the closure of the facility;

(v) Number and type of staff and the impact on the facility staff including other employment opportunities if the facility is closed;

(vi) The savings that will accrue to the state from closure or consolidation of a facility and the impact any closure would have on funding the associated services; and

(vii) For the residential habilitation centers, the impact on clients in the facility being recommended for closure and their families, including ability to get alternate services and impact on being moved to another facility.

(c) The office of financial management shall submit a final report to the governor and the ways and means committees of the house of representatives and senate by November 1, 2009. The report shall provide a recommendation and a plan to eliminate 1,580 beds in the department of corrections facilities, 235 beds from juvenile rehabilitation facilities, and 250 funded beds in the residential habilitation centers through closure or consolidation of facilities. The report shall include an assessment of each facility studied, where and how the services should be provided, and any costs or savings associated with each recommendation. In considering the recommendations of the report, the governor and the legislature shall not consider closure of any state institutional facility unless the report recommended the facility for closure.

**NEW SECTION. Sec. 131. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation..... \$33,473,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State Appropriation..... \$22,025,000

Higher Education Personnel Services Account--State Appropriation. . . . . \$1,716,000

TOTAL APPROPRIATION..... \$23,741,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to- government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State Appropriation..... \$27,776,000

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2010). . . . . \$253,000

General Fund--State Appropriation (FY 2011). . . . . \$260,000

TOTAL APPROPRIATION..... \$513,000

**NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2010). . . . .	\$243,000
General Fund--State Appropriation (FY 2011). . . . .	\$244,000
TOTAL APPROPRIATION. . . . .	\$487,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Department of Retirement Systems Expense Account--State Appropriation. . . . .	\$49,504,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$148,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5303 (transferring members of retirement systems). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$66,000 of the department of retirement systems expense account--state appropriation is provided for the department of retirement systems to make revisions to various administrative processes as necessary to implement Engrossed Second Substitute Senate Bill No. 5688 (registered domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$12,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5542 or House Bill No. 1678 (minimum disability benefits). If neither bill is enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1445 (Washington state patrol retirement system domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed House Bill No. 1616 (law enforcement officers' and firefighters' retirement system plan 2 domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$56,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1548 (military service credit purchases). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$35,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1953 (department of fish and wildlife enforcement officers' past service credit). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2010). . . . .	\$109,412,000
General Fund--State Appropriation (FY 2011). . . . .	\$108,505,000
Timber Tax Distribution Account--State Appropriation. . . . .	\$5,904,000
Waste Reduction/Recycling/Litter Control--State Appropriation. . . . .	\$130,000
Waste Tire Removal Account--State Appropriation. . . . .	\$2,000
Real Estate Excise Tax Grant Account--State Appropriation. . . . .	\$1,050,000
State Toxics Control Account--State Appropriation. . . . .	\$87,000
Oil Spill Prevention Account--State Appropriation. . . . .	\$19,000
TOTAL APPROPRIATION. . . . .	\$225,109,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$469,000 of the general fund--state appropriation for fiscal year 2010 and \$374,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Substitute Senate Bill No. 5368 (annual property revaluation). If the bill is not enacted by June 30, 2009, the amounts in this subsection shall lapse.

(2) \$5,453,000 of the general fund--state appropriation for fiscal year 2010 and \$5,242,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of revenue enhancement strategies. The strategies must include increased out-of-state auditing and compliance, the purchase of third party data sources for enhanced audit selection, and increased traditional auditing and compliance efforts.

(3) \$3,127,000 of the general fund--state appropriation for fiscal year 2010 and \$1,737,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Senate Bill No. 6173 (sales tax compliance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$97,000 of the general fund--state appropriation for fiscal year 2010 is for the implementation of Substitute House Bill No. 1597 (tax administration). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account--State Appropriation. . . . .	\$29,581,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,471,000 of the state investment board expense account--state appropriation is provided solely for development of a risk management information system, with the intent that further expenditures for this project be made only by appropriation.

(2) The state investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey



required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal, and shall include the total amount of compensation increases proposed, as well as recommended salary ranges.

**NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2010).	\$1,364,000
General Fund--State Appropriation (FY 2011).	\$1,368,000
TOTAL APPROPRIATION.	\$2,732,000

**NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL**

County Research Services Account--State Appropriation.	\$940,000
City and Town Research Services--State Appropriation.	\$4,515,000
TOTAL APPROPRIATION.	\$5,455,000

**NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State Appropriation.	\$3,622,000
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**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2010).	\$815,000
General Fund--State Appropriation (FY 2011).	\$811,000
General Fund--Federal Appropriation.	\$5,738,000
General Administration Service Account--State Appropriation.	\$35,044,000
TOTAL APPROPRIATION.	\$42,408,000

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the general fund--state appropriation for fiscal year 2010 and \$28,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the purposes of section 8 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If section 8 of the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES**

General Fund--State Appropriation (FY 2010).	\$1,104,000
General Fund--State Appropriation (FY 2011).	\$1,104,000
General Fund--Federal Appropriation.	\$701,000
Data Processing Revolving Account--State Appropriation.	\$7,824,000
TOTAL APPROPRIATION.	\$10,733,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of Engrossed Second Substitute House Bill No. 1701 (high-speed internet), including expenditure for deposit to the community technology opportunity account. If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The department shall implement some or all of the following strategies to achieve savings on information technology expenditures through: (a) Holistic virtualization strategies; (b) wide-area network optimization strategies; (c) replacement of traditional telephone communications systems with alternatives; and (d) migration of external voice mail systems to internal voice mail systems coordinated by the department. The department shall report to the office of financial management and the fiscal committees of the legislature semiannually on progress made towards the implementation of savings strategies and the savings realized to date. No later than June 30, 2011, the department shall submit a final report on its findings and savings realized to the office of financial management and the fiscal committees of the legislature.

**NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation.	\$1,943,000
Insurance Commissioners Regulatory Account--State Appropriation.	\$47,978,000
TOTAL APPROPRIATION.	\$49,921,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$410,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5480 (discount health plans). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$598,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5195 (life settlements model act). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$551,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Second Substitute Senate Bill No. 5346 (health care administration simplification). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State Appropriation..... \$3,016,000

**NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account--State Appropriation..... \$280,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Operating Account--State Appropriation..... \$5,123,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees during the 2009-2011 fiscal biennium as necessary to support the appropriation in this section.

**NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD**

Liquor Control Board Construction and Maintenance Account--State Appropriation..... \$8,817,000

Liquor Revolving Account--State Appropriation..... \$200,506,000

TOTAL APPROPRIATION..... \$209,323,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,306,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open five new state stores.

(2) \$40,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open ten new contract stores.

(3) \$3,059,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to increase state and local revenues from new retail strategies including opening nine state stores on Sunday, opening state liquor stores on seven holidays, opening six mall locations during the holiday season, and increasing lottery sales.

(4) \$173,000 of the liquor revolving account--state appropriation is provided solely for the Engrossed House Bill No. 2040 (beer and wine regulation commission). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) If Senate Bill No. 6065 is not enacted by June 30, 2009, the liquor revolving account appropriation in this section shall be increased by \$728,000.

**NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation..... \$1,044,000

**NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State Appropriation..... \$31,306,000

Pipeline Safety Account--State Appropriation..... \$3,194,000

Pipeline Safety Account--Federal Appropriation..... \$1,536,000

TOTAL APPROPRIATION..... \$36,036,000

**NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2010)..... \$10,244,000

General Fund--State Appropriation (FY 2011)..... \$10,290,000

General Fund--Federal Appropriation..... \$149,101,000

Enhanced 911 Account--State Appropriation..... \$39,598,000

Disaster Response Account--State Appropriation..... \$28,194,000

Disaster Response Account--Federal Appropriation..... \$91,263,000

Military Department Rent and Lease Account--State Appropriation..... \$615,000

Military Department Active State Service Account--Federal Appropriation..... \$200,000

Worker and Community Right-to-Know Account--State Appropriation..... \$341,000

Nisqually Earthquake Account--State Appropriation..... \$144,000

Nisqually Earthquake Account--Federal Appropriation..... \$856,000

TOTAL APPROPRIATION..... \$330,846,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,194,000 of the disaster response account--state appropriation and \$91,263,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on

the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(2) \$144,000 of the Nisqually earthquake account--state appropriation and \$856,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(3) \$85,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(c) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall use any of the funds for administrative purposes.

**NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2010). . . . .	\$3,128,000
General Fund--State Appropriation (FY 2011). . . . .	\$3,130,000
Department of Personnel Service Account--State Appropriation. . . . .	\$3,290,000
TOTAL APPROPRIATION. . . . .	\$9,548,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for implementation of Substitute House Bill No. 1329 (child care center bargaining). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2010). . . . .	\$1,418,000
General Fund--State Appropriation (FY 2011). . . . .	\$1,380,000
General Fund--Federal Appropriation. . . . .	\$1,653,000
General Fund--Private/Local Appropriation. . . . .	\$14,000
TOTAL APPROPRIATION. . . . .	\$4,465,000

The appropriations in this section are subject to the following conditions and limitations: \$44,000 of the general fund--state appropriation for fiscal year 2010 and \$22,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for implementation of Second Substitute House Bill No. 1090 (human remains). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 154. FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2010). . . . .	\$1,674,000
General Fund--State Appropriation (FY 2011). . . . .	\$1,549,000
TOTAL APPROPRIATION. . . . .	\$3,223,000

**NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account--State Appropriation. . . . .	\$60,127,000
State Convention and Trade Center Operating Account--State Appropriation. . . . .	\$56,995,000
TOTAL APPROPRIATION. . . . .	\$117,122,000

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall

not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county, during the 2009-2011 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2010, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2010 among programs after approval by the director of financial management.

(6) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2010).	\$315,241,000
General Fund--State Appropriation (FY 2011).	\$317,248,000
General Fund--Federal Appropriation.	\$496,509,000
General Fund--Private/Local Appropriation.	\$828,000
Home Security Fund Appropriation.	\$8,389,000
Domestic Violence Prevention Account--State Appropriation.	\$1,154,000
Education Legacy Trust Account--State Appropriation.	\$725,000
<b>TOTAL APPROPRIATION.</b>	<b>\$1,140,094,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,563,000 of the general fund--state appropriation for fiscal year 2010 and \$5,563,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for intensive family preservation services as defined in RCW 74.14C.010 and for evidence-based services that prevent out-of-home placement and reduce length of stay in the child welfare system.

(2) \$993,000 of the general fund--state appropriation for fiscal year 2010 and \$993,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$2,500,000 of the general fund--state appropriation for fiscal year 2010 and \$2,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for secure crisis residential centers. Within appropriated amounts, the department shall collaborate with providers to maintain no less than forty-five beds that are geographically representative of the state. The department shall examine current secure crisis residential staffing requirements, flexible payment options, center specific waivers, and other appropriate methods to accomplish this outcome.

(5) A maximum of \$76,831,000 of the general fund--state appropriations and \$56,901,000 of the general fund--federal appropriations for the 2009-11 biennium shall be expended for behavioral rehabilitative services and these amounts are provided solely for this purpose. The department shall work with behavioral rehabilitative service providers to decrease the length of stay through improved emotional, behavioral, or medical outcomes for children in behavioral rehabilitative services in order to achieve the appropriated levels.

(a) Contracted providers shall act in good faith and accept the hardest to place children, to the greatest extent possible, in order to improve their emotional, behavioral, or medical conditions.

(b) The department and the contracted provider shall mutually agree and establish an exit date for when the child is to exit the behavioral rehabilitative service provider. The department and the contracted provider should mutually agree, to the greatest extent possible, on a viable placement for the child to go to once the child's treatment process has been completed. The child shall exit only when the emotional, behavioral, or medical condition has improved or if the provider has not shown progress toward the outcomes specified in the signed contract at the time of exit. This subsection (b) does not prevent or eliminate the department's responsibility for removing the child from the provider if the child's emotional, behavioral, or medical condition worsens or is threatened.

(c) The department is encouraged to use performance-based contracts with incentives directly tied to outcomes described in this section. The contracts should incentivize contracted providers to accept the hardest to place children and incentivize improvement in children's emotional, mental, and medical well-being within the established exit date. The department is further encouraged to increase the use of behavioral rehabilitative service group homes, wrap around services to facilitate and support placement of youth with relatives, and other means to control expenditures.

(d) The total foster care per capita amount shall not increase more than four percent in the 2009-11 biennium and shall not include behavioral rehabilitative service.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$37,000 of the general fund--state appropriation for fiscal year 2010, \$37,000 of the general fund--state appropriation for fiscal year 2011, and \$32,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007 (child welfare).

(9) \$125,000 of the general fund--state appropriation for fiscal year 2010 and \$125,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for continuum of care services. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2010. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2011.

(10) \$616,000 of the general fund--state appropriation for fiscal year 2010, \$616,000 of the general fund--state appropriation for fiscal year 2011, and \$368,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$800,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$800,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

(11) \$7,970,000 of the general fund--state appropriation for fiscal year 2010, \$7,711,000 of the general fund--state appropriation for fiscal year 2011, and \$5,177,000 of the general fund--federal appropriation are provided solely for court-ordered supervised visits between parents and dependent children and for sibling visits. The department shall work collaboratively with the juvenile dependency courts to stay within appropriations without impeding reunification outcomes between parents and dependent children. The department shall report to the legislative fiscal committees quarterly, the number of children in foster care who receive supervised visits, their frequency, length of time of each visit, and whether reunification is attained.

(12) \$1,789,000 of the home security fund--state appropriation is provided solely for street youth program services.

(13) \$1,584,000 of the general fund--state appropriation for fiscal year 2010, \$1,584,000 of the general fund--state appropriation for fiscal year 2011, and \$1,586,000 of the general fund--federal appropriation are provided solely for the department to recruit foster parents. The recruitment efforts shall include collaborating with community-based organizations and current or former foster parents to recruit foster parents.

(14) \$725,000 of the education legacy trust account--state appropriation is provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. Funding is provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist.

(15) \$1,300,000 of the home security fund account--state appropriation is provided solely for HOPE beds.

(16) \$5,300,000 of the home security fund account--state appropriation is provided solely for the crisis residential centers.

(17) The appropriations in this section reflect reductions in the appropriations for the children's administration administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(18) Within the amounts appropriated in this section, the department shall contract for a pilot project with family and community networks in Whatcom county and up to four additional counties to provide services. The pilot project shall be designed to provide a continuum of services that reduce out-of-home placements and the lengths of stay for children in out-of-home placement. The department and the community networks shall collaboratively select the additional counties for the pilot project and shall collaboratively design the contract. Within the framework of the pilot project, the contract shall seek to maximize federal funds. The pilot project in each county shall include the creation of advisory and management teams which include members from neighborhood-based family advisory committees, residents, parents, youth, providers, and local and regional department staff. The Whatcom county team shall facilitate the development of outcome-based protocols and policies for the pilot project and develop a structure to oversee, monitor, and evaluate the results of the pilot projects. The department shall report the costs and savings of the pilot project to the appropriate committees of the legislature by November 1 of each year.

(19) \$157,000 of the general fund--state appropriation for fiscal year 2010 and \$157,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with a nonprofit entity for a reunification pilot project in Whatcom and Skagit counties. The contract for the reunification pilot project shall include a rate of \$46.16 per hour for evidence-based interventions, in combination with supervised visits, to provide 3,564 hours of services to reduce the length of stay for children in the child welfare system. The contract shall also include evidence-based intensive parenting skills building services and family support case management services for 38 families participating in the reunification pilot project. The contract shall include the flexibility for the nonprofit entity to subcontract with trained providers.

(20) \$303,000 of the general fund--state appropriation for fiscal year 2010, \$418,000 of the general fund--state appropriation for fiscal year 2011, and \$257,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1961 (increasing adoptions act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with an agency that is working in partnership with, and has been evaluated by, the University of Washington school of social work to implement promising practice constellation hub models of foster care support.

(22) The legislature intends for the department to reduce the time a child remains in the child welfare system. The department shall establish a measurable goal and report progress toward meeting that goal to the legislature by January 15 of each fiscal year of the 2009- 11 fiscal biennium. To the extent that actual caseloads exceed those assumed in this section, it is the intent of the legislature to address those issues in a manner similar to all other caseload programs.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2010).	\$104,870,000
General Fund--State Appropriation (FY 2011).	\$93,081,000
General Fund--Federal Appropriation.	\$6,565,000
General Fund--Private/Local Appropriation.	\$1,900,000
Washington Auto Theft Prevention Authority Account--State Appropriation.	\$3,896,000
Juvenile Accountability Incentive Account--Federal Appropriation.	\$2,801,000
<b>TOTAL APPROPRIATION.</b>	<b>\$213,113,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the general fund--state appropriation for fiscal year 2010 and \$353,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,578,000 of the general fund--state appropriation for fiscal year 2010 and \$3,578,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,716,000 of the general fund--state appropriation for fiscal year 2010 and \$3,716,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the general fund--state appropriation for fiscal year 2010 and \$1,506,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,066,000 of the general fund--state appropriation for fiscal year 2010 and \$3,066,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal

Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2010 and \$1,287,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) For the fiscal year ending June 30, 2010, the juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the special sex offender disposition alternative funds, the mental health disposition alternative, sentencing disposition alternative, and evidence-based program expansion grants to juvenile courts for the purpose of serving youth adjudicated in the juvenile justice system. Evidence-based programs, based on the criteria established by the Washington state institute for public policy, and disposition alternatives will be funding priorities. Funds may be used for promising practices when approved by juvenile rehabilitation administration, based on criteria established in consultation with Washington state institute for public policy and the juvenile courts.

By September 1, 2009, a committee with four members, in consultation with Washington state institute for public policy, shall develop a funding formula that takes into account the juvenile courts average daily population of program eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative. The committee shall have one representative from the juvenile rehabilitation administration, one representative from the office of financial management, one representative from the office of the administrator of the courts, and one representative from the juvenile courts. Decision making will be by majority rule.

By September 1, 2010, the Washington state institute for public policy shall provide a report to the office of financial management and the legislature on the administration of the block grant authorized in this subsection. The report shall include the criteria used for allocating the funding as a block grant and the participation targets and actual participation in the programs subject to the block grant.

(b) By December 1, 2009, the committee established in (a) of this subsection, in consultation with Washington state institute for public policy, shall propose to the office of financial management and the legislature changes in the process of funding and managing, including accountability and information collection and dissemination, grants to juvenile courts for serving youth adjudicated in the juvenile court system use in the fiscal year ending June 30, 2011. The proposal shall include, but is not limited to: A process of making a block grant of funds consistent with (a) of this subsection; a program of data collection and measurement criteria for receiving the funds which will include targets of the number of youth served in identified evidence- based programs and disposition alternatives in which the juvenile courts and office of the administrator of the courts will have responsibility for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data; and necessary changes to the Washington administrative code.

(c) Within the funds provided for criminal justice analysis in section 610(4) of this act, the Washington state institute for public policy shall conduct an analysis of the costs per participant of evidence-based programs by the juvenile courts and by December 1, 2009, shall report the results of this analysis to the juvenile rehabilitation administration, the juvenile courts, office of the administrator of the courts, the office of financial management, and the fiscal committees of the legislature.

(8) \$3,700,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for competitive grants to community-based organizations to provide at-risk youth intervention services, including but not limited to, case management, employment services, educational services, and street outreach intervention programs. Projects funded should focus on preventing, intervening, and suppressing behavioral problems and violence while linking at-risk youth to pro-social activities. The department may not expend more than \$1,850,000 per fiscal year. The costs of administration must not exceed four percent of appropriated funding for each grant recipient. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services upon the youth and the community.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2010). . . . .	\$266,677,000
General Fund--State Appropriation (FY 2011). . . . .	\$296,619,000
General Fund--Federal Appropriation. . . . .	\$463,180,000
General Fund--Private/Local Appropriation.. . . .	\$14,868,000
<b>TOTAL APPROPRIATION.. . . .</b>	<b>\$1,041,344,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,689,000 of the general fund--state appropriation for fiscal year 2010 and \$113,689,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$11,606,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2009 prior to supplemental budget reductions. This \$11,606,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the

following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2010 and \$16,900,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department and regional support networks to contract for implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 617 per day during the first quarter of fiscal year 2010, and 587 per day thereafter. Beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. The department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) \$4,582,000 of the general fund--state appropriation for fiscal year 2010 and \$4,582,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(g) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2010 and \$1,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) The department shall return to the Spokane regional support network fifty percent of the amounts assessed against the network during the last six months of calendar year 2009 for state hospital utilization in excess of its contractual limit. The regional support network shall use these funds for operation during its initial months of a new sixteen-bed evaluation and treatment facility that will enable the network to reduce its use of the state hospital, and for diversion and community support services for persons with dementia who would likely otherwise require care at the state hospital.

(j) The department is directed to identify and implement program efficiencies and benefit changes in its delivery of medicaid managed-care services that are sufficient to operate within the state and federal appropriations in this section. Such actions may include but are not limited to methods such as adjusting the care access standards; improved utilization management of ongoing, recurring, and high-intensity services; and increased uniformity in provider payment rates. The department shall ensure that the capitation rate adjustments necessary to accomplish these efficiencies and changes are distributed uniformly and equitably across all regional support networks statewide. The department is directed to report to the relevant legislative fiscal and policy committees at least thirty days prior to implementing rate adjustments reflecting these changes.

(k) In developing the new medicaid managed care rates under which the public mental health managed care system will operate during the five years beginning in fiscal year 2011, the department should seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. Actual prior period spending in a regional administrative area shall not be a key determinant of future payment rates. The department shall report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new waiver and mental health managed care rate-setting approach by October 1, 2009, and again at least sixty days prior to implementation of new capitation rates.

(l) \$1,529,000 of the general fund--state appropriation for fiscal year 2010 and \$1,529,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(m) The legislature intends and expects that regional support networks and contracted community mental health agencies shall make all possible efforts to, at a minimum, maintain current compensation levels of direct care staff. Such efforts shall include, but not be limited to, identifying local funding that can preserve client services and staff compensation, achieving administrative reductions at the regional support network level, and engaging stakeholders on cost-savings ideas that maintain client services and staff compensation. For purposes of this



section, "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records- keeping, and facilities maintenance.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010).	\$120,679,000
General Fund--State Appropriation (FY 2011).	\$125,017,000
General Fund--Federal Appropriation.	\$151,300,000
General Fund--Private/Local Appropriation.	\$65,870,000
TOTAL APPROPRIATION.	\$462,866,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full- time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2010).	\$1,819,000
General Fund--State Appropriation (FY 2011).	\$1,812,000
General Fund--Federal Appropriation.	\$2,142,000
TOTAL APPROPRIATION.	\$5,773,000

The appropriations in this subsection are subject to the following conditions and limitations: \$1,511,000 of the general fund--state appropriation for fiscal year 2010 and \$1,511,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010).	\$4,123,000
General Fund--State Appropriation (FY 2011).	\$4,155,000
General Fund--Federal Appropriation.	\$7,330,000
TOTAL APPROPRIATION.	\$15,608,000

(a) Within the amounts appropriated in this section, the department shall provide reports to the legislature and governor on May 31, 2010, and January 31, 2011, concerning the waiting periods experienced for competency evaluations and competency restoration treatment during the nine month periods ending on March 31, 2010, and December 31, 2010, respectively.

The reports shall state, by county, the average number of days over the reporting period spent by the defendant between the signing of the court order and distribution of report: (i) In jail; (ii) in the state hospital; and (iii) waiting for the order and supporting documents to be received by the department. By state hospital catchment, the report shall also state these averages on a monthly basis. With respect to competency evaluations, the report shall separate evaluations ordered to occur in a jail, evaluations ordered to occur in the community, evaluations ordered to occur in a state hospital, and evaluations transferred to the state hospital which were originally ordered to occur in another setting. The department shall state the percentage of defendants that were found by the department to be competent following each type of evaluation. The department shall also state how many evaluations referrals contained a request for evaluation of insanity and diminished capacity, and what proportion of defendants for whom this evaluation was requested were found by the department to meet the criteria for these defenses.

With respect to competency restoration, the report shall separate restoration referrals by stage of competency restoration and state the percentage of defendants found by the department to be competent at the conclusion of each stage.

The report shall identify factors which have caused delays in the completion of competency evaluations, and analyze a sample of cases in which evaluation time exceeded the standard deviation. The report shall provide recommendations as to what measures state or local governments may take to improve the speed of competency evaluations, and identify any statutory or regulatory barriers that obstruct the evaluation process.

(b) The department is authorized and encouraged to continue its contract with the Washington state institute for public policy to provide a longitudinal analysis of long-term mental health outcomes as directed in chapter 334, Laws of 2001 (mental health performance audit); to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2010). . . . .	\$313,050,000
General Fund--State Appropriation (FY 2011). . . . .	\$368,549,000
General Fund--Federal Appropriation. . . . .	\$851,610,000
TOTAL APPROPRIATION. . . . .	\$1,533,209,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(c) Amounts appropriated in this section are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by April 1, 2011. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$5,593,000 of the general fund--state appropriation for fiscal year 2010, \$4,002,000 of the general fund--state appropriation for fiscal year 2011, and \$14,701,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e)(i) \$493,000 of the general fund--state appropriation for fiscal year 2010, \$1,463,000 of the general fund--state appropriation for fiscal year 2011, and \$2,741,000 of the general fund--federal appropriation are provided solely for community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (A) clients being diverted or discharged from the state psychiatric hospitals; (B) clients participating in the dangerous mentally ill offender program; (C) clients participating in the community protection program; and (D) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 per day in fiscal year 2010 and \$356 per day in fiscal year 2011. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated.

(ii) The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(f) \$302,000 of the general fund--state appropriation for fiscal year 2010, \$831,000 of the general fund--state appropriation for fiscal year 2011, and \$1,592,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(g)(i) \$682,000 of the general fund--state appropriation for fiscal year 2010, \$1,651,000 of the general fund--state appropriation for fiscal year 2011, and \$1,678,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(ii) The federal portion of the amounts in this subsection (g) is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(iii) Expenditures for the purposes specified in this subsection (g) shall not exceed the amounts provided in this subsection.

(h) Within the amounts appropriated in this subsection, the department may expand the new freedom waiver program to accommodate new waiver recipients throughout the state. As possible, and in compliance with current state and federal laws, the department shall allow current waiver recipients to transfer to the new freedom waiver.

(i) Within the amounts appropriated in this subsection (1), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program or the existing state-only residential program, and (ii) otherwise meet the waiver eligibility

requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day and state-only residential programs who are not transferred to a department HCBS waiver will continue to receive services.

(j) Adult day health services shall only be authorized for in-home clients.

(k) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(l) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(m) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

(i) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;

(ii) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and

(iii) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

(n) The amounts appropriated in this subsection reflect a reduction in funds available for employment and day services. In administering this reduction the department shall negotiate with counties and their vendors so that this reduction, to the greatest extent possible, is achieved by reducing vendor rates and allowable contract administrative charges (overhead) and not through reductions to direct client services or direct service delivery or programs.

(o) Within the amounts allotted for employment and day services in this section, the department shall prioritize the funding of employment services for students graduating from high school during fiscal years 2010 and 2011. However, nothing in this subsection is intended to displace services for other recipients of employment services.

(p) As part of the needs assessment instrument, the department may collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department may ensure that this information is collected as part of the client assessment process.

(q) Within the amounts appropriated in this section, waiver clients must receive employment and day services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall establish and maintain a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010).	\$61,612,000
General Fund--State Appropriation (FY 2011).	\$74,185,000
General Fund--Federal Appropriation.	\$202,160,000
General Fund--Private/Local Appropriation..	\$22,441,000
TOTAL APPROPRIATION..	\$360,398,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The developmental disabilities program is authorized to use funds appropriated in this subsection to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(c) \$721,000 of the general fund--state appropriation for fiscal year 2010 and \$721,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(d) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010).	\$1,428,000
General Fund--State Appropriation (FY 2011).	\$1,388,000
General Fund--Federal Appropriation.	\$1,372,000
TOTAL APPROPRIATION..	\$4,188,000

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2010).	\$15,000
General Fund--State Appropriation (FY 2011).	\$15,000
General Fund--Federal Appropriation.	\$21,066,000
TOTAL APPROPRIATION.	\$21,096,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection are available solely for the infant toddler early intervention program.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2010).	\$585,667,000
General Fund--State Appropriation (FY 2011).	\$698,622,000
General Fund--Federal Appropriation.	\$1,814,099,000
General Fund--Private/Local Appropriation.	\$20,373,000
Traumatic Brain Injury Account--State Appropriation.	\$1,816,000
TOTAL APPROPRIATION.	\$3,120,577,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$156.37 for fiscal year 2010 and shall not exceed \$158.74 for fiscal year 2011, including the rate add-on described in subsection (12) of this section. There will be no adjustments for economic trends and conditions in fiscal years 2010 and 2011. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2010 and no new certificates of capital authorization for fiscal year 2011.

(3) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(4) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

- (a) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;
- (b) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and
- (c) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(6) \$536,000 of the general fund--state appropriation for fiscal year 2010, \$1,477,000 of the general fund--state appropriation for fiscal year 2011, and \$2,830,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(7)(a) \$1,212,000 of the general fund--state appropriation for fiscal year 2010, \$2,934,000 of the general fund--state appropriation for fiscal year 2011, and \$2,982,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(b) \$330,000 of the general fund--state appropriation for fiscal year 2010, \$660,000 of the general fund--state appropriation for fiscal year 2011, and \$810,000 of the general fund--federal appropriation are provided solely for transfer from the department to the training partnership, as provided in RCW 74.39A.360, for infrastructure and instructional costs associated with training of individual providers, pursuant to a

collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(c) The federal portion of the amounts in this subsection is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(d) Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(8) Within the amounts appropriated in this section, the department may expand the new freedom waiver program to accommodate new waiver recipients throughout the state. As possible, and in compliance with current state and federal laws, the department shall allow current waiver recipients to transfer to the new freedom waiver.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) Adult day health services shall only be authorized for in-home clients.

(11) \$3,955,000 of the general fund--state appropriation for fiscal year 2010, \$4,239,000 of the general fund--state appropriation for fiscal year 2011, and \$10,190,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(12) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(13) \$1,840,000 of the general fund--state appropriation for fiscal year 2010 and \$1,877,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for operation of the volunteer chore services program.

(14) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(15) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(16) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(17) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(18) \$204,000 of the general fund--state appropriation for fiscal year 2010, \$1,099,000 of the general fund--state appropriation for fiscal year 2011, and \$1,697,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(19) Sufficient funding is provided in this section for the department to implement Engrossed Second Substitute House Bill No. 1935 (adult family homes). During the 2009-11 biennium, the initial licensing fee for an adult family home shall be set at \$900.00. During the 2009-11 biennium, the annual licensing renewal fee shall be set at \$100.00.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2010). . . . .	\$557,621,000
General Fund--State Appropriation (FY 2011). . . . .	\$588,286,000

General Fund--Federal Appropriation. . . . .	\$1,140,367,000
General Fund--Private/Local Appropriation.. . . .	\$27,920,000
Administrative Contingency Account--State Appropriation. . . . .	\$29,136,000
TOTAL APPROPRIATION.. . . .	\$2,343,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$303,196,000 of the general fund--state appropriation for fiscal year 2010, \$309,755,000 of the general fund--state appropriation for fiscal year 2011, \$29,136,000 of the administrative contingency account--state appropriation, and \$778,606,000 of the general fund-- federal appropriation are provided solely for all components of the WorkFirst program. The department shall use moneys from the administrative contingency account for WorkFirst job placement services provided by the employment security department. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. In addition, within the amounts provided for WorkFirst the department shall:

(a) Establish a career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report electronically by October 1, 2009, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2009-2011 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) Maintain the fiscal year 2009 grant standard for the temporary assistance for needy families grant.

(2) The department and the office of financial management shall electronically report quarterly the expenditures, maintenance of effort allotments, expenditure amounts, and caseloads for the WorkFirst program to the legislative fiscal committees.

(3) \$4,856,000 of the general fund--state appropriation for fiscal year 2010 and \$95,173,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program.

Within these amounts:

(a) The department shall aggressively pursue opportunities to transfer general assistance unemployable clients to general assistance expedited coverage and to facilitate client applications for federal supplemental security income when the client's incapacities indicate that he or she would be likely to meet the federal disability criteria for supplemental security income. The department shall initiate and file the federal supplemental security income interim agreement as quickly as possible in order to maximize the recovery of federal funds;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall actively coordinate with local workforce development councils to expedite access to worker retraining programs for general assistance unemployable clients in those regions of the state with the greatest number of such clients;

(d) By July 1, 2009, the department shall enter into an interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veteran's services. This agreement must include outstationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services; and

(e) In addition to any earlier evaluation that may have been conducted, the department shall intensively evaluate those clients who have been receiving general assistance unemployable benefits for twelve months or more as of July 1, 2009, or thereafter, if the available medical and incapacity related evidence indicates that the client is unlikely to meet the disability standard for federal supplemental security income benefits. The evaluation shall identify services necessary to eliminate or minimize barriers to employment, including mental health treatment, substance abuse treatment and vocational rehabilitation services. The department shall expedite referrals to chemical dependency treatment, mental health and vocational rehabilitation services for these clients.

(f) The appropriations in this subsection reflect a change in the earned income disregard policy for general assistance unemployable clients. It is the intent of the legislature that the department shall adopt the temporary assistance for needy families earned income policy for general assistance unemployable.

(4) The department shall report to the legislature on outcomes of the reorganization of the office of refugee and immigrant assistance. The report shall include information on efficiencies and outcomes related to client services, training and technical assistance to providers, and administrative oversight prior to the year of the reorganization compared to the outcomes achieved following the reorganization. In addition to self-reporting the department shall solicit comments relevant to this report from service providers and the report shall include their responses. To increase transparency and understanding of the office's funding practices, the report shall also include information on the base budgets of funding sources for services provided by the office of refugee and immigrant assistance. A preliminary report shall be due to the legislature by December 1, 2009. A final report shall be due June 1, 2010.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for naturalization services.

(6)(a) \$3,550,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$3,550,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for refugee employment

services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(b) The legislature intends that the appropriation in this subsection for the 2009-11 fiscal biennium will maintain funding for refugee programs at a level at least equal to expenditures on these programs in the 2007-09 fiscal biennium.

(7) The appropriations in this section reflect reductions in the appropriations for the economic services administration's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2010).	\$82,117,000
General Fund--State Appropriation (FY 2011).	\$84,772,000
General Fund--Federal Appropriation.	\$145,671,000
General Fund--Private/Local Appropriation.	\$2,719,000
Criminal Justice Treatment Account--State Appropriation.	\$17,747,000
Problem Gambling Account--State Appropriation.	\$1,459,000
<b>TOTAL APPROPRIATION.</b>	<b>\$334,485,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients.

(3) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2010).	\$1,597,387,000
General Fund--State Appropriation (FY 2011).	\$1,984,797,000
General Fund--Federal Appropriation.	\$5,210,672,000
General Fund--Private/Local Appropriation.	\$12,903,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.	\$15,076,000
Tobacco Prevention and Control Account--State Appropriation.	\$3,766,000
<b>TOTAL APPROPRIATION.</b>	<b>\$8,824,601,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(4) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,110,000 of the general fund--federal appropriation and \$1,105,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share

of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$9,818,000 of the general fund--state appropriation for fiscal year 2011, and \$9,865,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2009-11 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2009, and by November 1, 2010, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2010 and fiscal year 2011, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2009-11 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$6,570,000 of the general fund--state appropriation for fiscal year 2010, which is appropriated in section 204(1) of this act, and \$1,500,000 of the general fund--state appropriation for fiscal year 2011, which is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. Sufficient amounts are appropriated in this section for the remaining state grants for the participating hospitals.

(9) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(10) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(11) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(12) \$93,000 of the general fund--state appropriation for fiscal year 2010 and \$93,000 of the general fund--federal appropriation are provided solely for the department to pursue a federal Medicaid waiver pursuant to Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) The department shall require managed health care systems that have contracts with the department to serve medical assistance clients to limit any reimbursements or payments the systems make to providers not employed by or under contract with the systems to no more than the medical assistance rates paid by the department to providers for comparable services rendered to clients in the fee-for-service delivery system.

(14) Appropriations in this section are sufficient for the department to continue to fund family planning nurses in the community services offices.

(15) The department, in coordination with stakeholders, will conduct an analysis of potential savings in utilization of home dialysis. The department shall present its findings to the appropriate house of representatives and senate committees by December 2010.

(16) A maximum of \$166,875,000 of the general fund--state appropriation and \$38,389,000 of the general fund--federal appropriation may be expended in the fiscal biennium for the general assistance-unemployable medical program, and these amounts are provided solely for this program. Of these amounts, \$10,749,000 of the general fund--state appropriation for fiscal year 2010 and \$10,892,000 of the general fund--federal appropriation are provided solely for payments to hospitals for providing outpatient services to low income patients who are recipients of general assistance-unemployable. Pursuant to RCW 74.09.035, the department shall not expend for the general assistance medical care services program any amounts in excess of the amounts provided in this subsection.

(17) If the department determines that it is feasible within the amounts provided in subsection (16) of this section, and without the loss of federal disproportionate share hospital funds, the department shall contract with the carrier currently operating a managed care pilot project for the provision of medical care services to general assistance-unemployable clients. Mental health services shall be included in the services provided through the managed care system. If the department determines that it is feasible, effective October 1, 2009, in addition to serving clients in the pilot counties, the carrier shall expand managed care services to clients residing in at least the following counties: Spokane, Yakima, Chelan, Kitsap, and Cowlitz. If the department determines that it is feasible, the carrier shall complete implementation into the remaining counties. Total per person costs to the state, including outpatient and inpatient services and any additional costs due to stop loss agreements, shall not exceed the per capita payments projected for the general assistance-unemployable eligibility category, by fiscal year, in



the February 2009 medical assistance expenditures forecast. The department, in collaboration with the carrier, shall seek to improve the transition rate of general assistance clients to the federal supplemental security income program.

(18) The department shall evaluate the impact of the use of a managed care delivery and financing system on state costs and outcomes for general assistance medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system.

(19) The department shall report to the governor and the fiscal committees of the legislature by June 1, 2010, on its progress toward achieving a twenty percentage point increase in the generic prescription drug utilization rate.

(20) State funds shall not be used by hospitals for advertising purposes.

(21) The department shall seek a medicaid state plan amendment to create a professional services supplemental payment program for University of Washington medicine professional providers no later than July 1, 2009. The department shall apply federal rules for identifying the shortfall between current fee-for-service medicaid payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program will be the responsibility of the participating providers. Participating providers will retain the full amount of supplemental payments provided under this program, net of any potential costs for any related audits or litigation brought against the state. The department shall report to the governor and the legislative fiscal committees on the prospects for expansion of the program to other qualifying providers as soon as feasibility is determined but no later than December 31, 2009. The report will outline estimated impacts on the participating providers, the procedures necessary to comply with federal guidelines, and the administrative resource requirements necessary to implement the program. The department will create a process for expansion of the program to other qualifying providers as soon as it is determined feasible by both the department and providers but no later than June 30, 2010.

(22) \$9,350,000 of the general fund--state appropriation for fiscal year 2010, \$8,313,000 of the general fund--state appropriation for fiscal year 2011, and \$20,371,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of section 902 of this act.

(23) \$506,000 of the general fund--state appropriation for fiscal year 2011 and \$657,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1373 (children's mental health). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(24) Pursuant to 42 U.S.C. Sec. 1396(a)(25), the department shall pursue insurance claims on behalf of medicaid children served through its in-home medically intensive child program under WAC 388-551-3000. The department shall report to the Legislature by December 31, 2009, on the results of its efforts to recover such claims.

(25) The department may, on a case-by-case basis and in the best interests of the child, set payment rates for medically intensive home care services to promote access to home care as an alternative to hospitalization. Expenditures related to these increased payments shall not exceed the amount the department would otherwise pay for hospitalization for the child receiving medically intensive home care services.

(26) \$425,000 of the general fund--state appropriation for fiscal year 2010, \$425,000 of the general fund--state appropriation for fiscal year 2011, and \$1,580,000 of the general fund--federal appropriation are provided solely to continue children's health coverage outreach and education efforts under RCW 74.09.470. These efforts shall rely on existing relationships and systems developed with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(27) The department, in conjunction with the office of financial management, shall reduce outpatient and inpatient hospital rates and implement a prorated inpatient payment policy. In determining the level of reductions needed, the department shall include in its calculations services paid under fee-for-service, managed care, and certified public expenditure payment methods; but reductions shall not apply to payments for psychiatric inpatient services or payments to critical access hospitals.

(28) The department will pursue a competitive procurement process for antihemophilic products, emphasizing evidence-based medicine and protection of patient access without significant disruption in treatment.

(29) The department will pursue several strategies towards reducing pharmacy expenditures including but not limited to increasing generic prescription drug utilization by 20 percentage points and promoting increased utilization of the existing mail-order pharmacy program.

(30) The department shall reduce reimbursement for over-the-counter medications while maintaining reimbursement for those over-the-counter medications that can replace more costly prescription medications.

(31) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(32) The department shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race.

(33) The department shall direct graduate medical education funds to programs that focus on primary care training.

(34) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$53,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1845 (medical support obligations).

(35) \$63,000 of the general fund--state appropriation for fiscal year 2010, \$583,000 of the general fund--state appropriation for fiscal year 2011, and \$864,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the

department of corrections to identify and track cost savings to the department of corrections, including medical cost savings, and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(36) Sufficient amounts are provided in this section to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with RCW 74.09.520.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2010).	\$10,452,000
General Fund--State Appropriation (FY 2011).	\$10,127,000
General Fund--Federal Appropriation.	\$83,553,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation.	\$1,979,000
TOTAL APPROPRIATION.	\$106,111,000

The appropriations in this section are subject to the following conditions and limitations: The vocational rehabilitation program shall coordinate closely with the economic services program to serve general assistance unemployable clients who are referred for eligibility determination and vocational rehabilitation services, and shall make every effort, within the requirements of the federal rehabilitation act of 1973, to serve these clients.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM**

General Fund--State Appropriation (FY 2010).	\$54,027,000
General Fund--State Appropriation (FY 2011).	\$53,137,000
TOTAL APPROPRIATION.	\$107,164,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2010).	\$34,549,000
General Fund--State Appropriation (FY 2011).	\$34,843,000
General Fund--Federal Appropriation.	\$55,149,000
General Fund--Private/Local Appropriation.	\$1,526,000
TOTAL APPROPRIATION.	\$126,067,000

The appropriations in this section are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(1) \$150,000 of the general fund--state appropriation for fiscal year 2010 and \$150,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2010 and \$445,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2010 and \$178,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the juvenile detention alternatives initiative.

(4) Amounts appropriated in this section reflect a reduction to the family policy council. The family policy council shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

(5) Amounts appropriated in this section reflect a reduction to the council on children and families. The council on children and families shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2010).	\$53,431,000
General Fund--State Appropriation (FY 2011).	\$53,472,000
General Fund--Federal Appropriation.	\$49,494,000
TOTAL APPROPRIATION.	\$156,397,000

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2010).	\$206,295,000
General Fund--State Appropriation (FY 2011).	\$182,138,000

General Fund--Federal Appropriation. . . . .	\$6,302,000
State Health Care Authority Administration Account--State Appropriation. . . . .	\$35,261,000
Medical Aid Account--State Appropriation. . . . .	\$529,000
TOTAL APPROPRIATION. . . . .	\$430,525,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) In order to maximize the funding appropriated for the basic health plan, the health care authority is directed to make modifications that will reduce the total number of subsidized enrollees to approximately 65,000 by January 1, 2010. In addition to the reduced enrollment, other modifications may include changes in enrollee premium obligations, changes in benefits, enrollee cost-sharing, and termination of the enrollment of individuals concurrently enrolled in a medical assistance program as provided in Substitute House Bill No. 2341.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2010 and \$250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5360 (community collaboratives). If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.

(6) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

**NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2010). . . . .	\$2,802,000
General Fund--State Appropriation (FY 2011). . . . .	\$2,814,000
General Fund--Federal Appropriation. . . . .	\$1,299,000
TOTAL APPROPRIATION. . . . .	\$6,915,000

**NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

.Worker and Community Right-to-Know Account--State Appropriation. . . . .	\$20,000
Accident Account--State Appropriation. . . . .	\$18,453,000
Medical Aid Account--State Appropriation. . . . .	\$18,453,000
TOTAL APPROPRIATION. . . . .	\$36,926,000

**NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund--State Appropriation (FY 2010). . . . .	\$19,146,000
General Fund--State Appropriation (FY 2011). . . . .	\$19,176,000
General Fund--Private/Local Appropriation. . . . .	\$200,000
Death Investigations Account--State Appropriation. . . . .	\$148,000
Municipal Criminal Justice Assistance Account--State Appropriation. . . . .	\$460,000
Washington Auto Theft Prevention Authority Account--State Appropriation. . . . .	\$5,844,000
TOTAL APPROPRIATION. . . . .	\$44,974,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,874,000 of the general fund--state appropriation for fiscal year 2010 and \$1,922,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for 10 additional basic law enforcement academies in fiscal year 2010 and 10 additional basic law enforcement academies in fiscal year 2011.

(2) \$1,191,000 of the general fund--state appropriation for fiscal year 2010 and \$1,191,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(3) \$5,000,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000,000 of the general fund--state appropriation for fiscal year 2011, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (i) For level I offenders, every twelve months;
- (ii) For level II offenders, every six months; and
- (iii) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31, each year.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing-to- register offenses.

(4) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute House Bill No. 2078 (persons with developmental disabilities in correctional facilities or jails). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2010).	\$24,224,000
General Fund--State Appropriation (FY 2011).	\$25,237,000
General Fund--Federal Appropriation.	\$100,000
Public Safety and Education Account--Federal Appropriation.	\$10,000,000
Asbestos Account--State Appropriation.	\$924,000
Electrical License Account--State Appropriation.	\$43,162,000
Farm Labor Revolving Account--Private/Local Appropriation.	\$28,000
Worker and Community Right-to-Know Account--State Appropriation.	\$1,979,000
Public Works Administration Account--State Appropriation.	\$5,764,000
Manufactured Home Installation Training Account-- State Appropriation.	\$138,000
Accident Account--State Appropriation.	\$248,281,000
Accident Account--Federal Appropriation.	\$13,622,000
Medical Aid Account--State Appropriation.	\$249,537,000
Medical Aid Account--Federal Appropriation.	\$3,186,000
Plumbing Certificate Account--State Appropriation.	\$1,693,000
Pressure Systems Safety Account--State Appropriation.	\$3,775,000
<b>TOTAL APPROPRIATION.</b>	<b>\$631,650,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$424,000 of the accident account--state appropriation and \$76,000 of the medical aid account--state appropriation are provided solely for implementation of a community agricultural worker safety grant at the department of agriculture. The department shall enter into an interagency agreement with the department of agriculture to implement the grant.

(3) \$4,850,000 of the medical aid account--state appropriation is provided solely to continue the program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(4) \$150,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(5) The department shall continue to conduct utilization reviews of physical and occupational therapy cases at the 24th visit. The department shall continue to report performance measures and targets for these reviews on the agency web site. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(6) The appropriations in this section reflect reductions in the appropriations for the department of labor and industries' administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing administrative costs only.

(7) \$500,000 of the accident account--state appropriation is provided solely for the department to contract with one or more independent experts to oversee and assist the department's implementation of improvements to the rating plan under chapter 51.18 RCW, in collaboration with the department and with the department's work group of retrospective rating and workers' compensation stakeholders. The independent experts will validate the impact of recommended changes on retrospective rating participants and nonparticipants, confirm implementation technology changes, and provide other implementation assistance as determined by the department.

(8) \$194,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5346 (health care administrative procedures). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) \$131,000 of the accident account--state appropriation and \$128,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5613 (stop work orders). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$68,000 of the accident account--state appropriation and \$68,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5688 (registered domestic partners). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) \$320,000 of the accident account--state appropriation and \$147,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5873 (apprenticeship utilization). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(12) \$337,000 of the general fund--state appropriation for fiscal year 2010 and \$183,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Senate Bill No. 5895 (residential real property). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) \$394,000 of the accident account--state appropriation and \$394,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 6035 (retrospective rating plans). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(14) \$269,000 of the general fund--state appropriation for fiscal year 2010 and \$183,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1393 (residential construction). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(15) \$73,000 of the general fund--state appropriation for fiscal year 2010, \$66,000 of the general fund--state appropriation for fiscal year 2011, \$606,000 of the accident account--state appropriation, and \$600,000 of the medical aid account--state appropriation are provided solely for the implementation of House Bill No. 1555 (underground economy). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(16) \$574,000 of the accident account--state appropriation and \$579,000 of the medical account--state appropriation are provided solely for the implementation of House Bill No. 1402 (industrial insurance appeals). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund--State Appropriation (FY 2010)	\$1,913,000
General Fund--State Appropriation (FY 2011)	\$1,917,000
TOTAL APPROPRIATION	\$3,830,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund--State Appropriation (FY 2010)	\$1,913,000
General Fund--State Appropriation (FY 2011)	\$1,899,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,822,000

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**(2) FIELD SERVICES**

General Fund--State Appropriation (FY 2010)	\$4,885,000
General Fund--State Appropriation (FY 2011)	\$4,943,000
General Fund--Federal Appropriation	\$1,842,000
General Fund--Private/Local Appropriation	\$3,491,000
Veterans Innovations Program Account--State Appropriation	\$648,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,069,000
TOTAL APPROPRIATION	\$16,878,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall collaborate with the department of social and health services to identify and assist eligible general assistance unemployable clients to access the federal department of veterans affairs benefits.

(b) \$648,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(c) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**(3) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 2010).	\$3,638,000
General Fund--State Appropriation (FY 2011).	\$2,845,000
General Fund--Federal Appropriation.	\$50,791,000
General Fund--Private/Local Appropriation..	\$31,734,000
<b>TOTAL APPROPRIATION..</b>	<b>\$89,008,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**NEW SECTION. Sec. 221. FOR THE HOME CARE QUALITY AUTHORITY**

General Fund--State Appropriation (FY 2010).	\$1,229,000
General Fund--State Appropriation (FY 2011).	\$1,221,000
<b>TOTAL APPROPRIATION..</b>	<b>\$2,450,000</b>

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2010).	\$108,879,000
General Fund--State Appropriation (FY 2011).	\$84,169,000
General Fund--Federal Appropriation.	\$480,871,000
General Fund--Private/Local Appropriation..	\$138,846,000
Hospital Data Collection Account--State Appropriation.	\$326,000
Health Professions Account--State Appropriation.	\$76,218,000
Aquatic Lands Enhancement Account--State Appropriation.	\$603,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.	\$13,531,000
Safe Drinking Water Account--State Appropriation.	\$2,723,000
Drinking Water Assistance Account--Federal Appropriation..	\$22,817,000
Waterworks Operator Certification--State Appropriation.	\$1,519,000
Drinking Water Assistance Administrative Account-- State Appropriation.	\$326,000
State Toxics Control Account--State Appropriation.	\$3,600,000
Medical Test Site Licensure Account--State Appropriation..	\$2,117,000
Youth Tobacco Prevention Account--State Appropriation.	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation.	\$3,525,000
Accident Account--State Appropriation..	\$295,000
Medical Aid Account--State Appropriation.	\$48,000
Tobacco Prevention and Control Account-- State Appropriation.	\$46,884,000
Biotoxin Account--State Appropriation.	\$1,165,000
<b>TOTAL APPROPRIATION..</b>	<b>\$989,974,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is authorized to establish fees by the amount necessary to fully support the cost of activities related to the administration of long-term care worker certification. The department is further authorized to increase

fees by the amount necessary to implement the regulatory requirements of the following bills: House Bill No. 1414 (health care assistants), House Bill No. 1740 (dental residency licenses), and House Bill No. 1899 (retired active physician licenses).

(3) Within the amounts appropriated in this section, the department of health shall continue operations of the pesticide incident report and tracking review panel.

(4) \$764,000 of the health professions account--state appropriation is provided solely for the medical quality assurance commission to maintain disciplinary staff and associated costs sufficient to reduce the backlog of disciplinary cases and to continue to manage the disciplinary caseload of the commission.

(5) \$57,000 of the general fund--state appropriation for fiscal year 2010 and \$58,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(6) Funding for the human papillomavirus vaccine shall not be included in the department's universal vaccine purchase program in fiscal year 2010. Remaining funds for the universal vaccine purchase program shall be used to continue the purchase of all other vaccines included in the program until May 1, 2010, or until state funds are exhausted, at which point state funding for the universal vaccine purchase program shall be discontinued. Funds from section 317 of the federal public health services act direct assistance shall not be used in lieu of state funds.

(7) Beginning July 1, 2010, the department, in collaboration with the department of social and health services, shall maximize the use of existing federal funds, including section 317 of the federal public health services act direct assistance as well as federal funds that may become available under the American recovery and reinvestment act, in order to continue to provide immunizations for low-income, nonmedicaid eligible children up to three hundred percent of the federal poverty level in state-sponsored health programs.

(8) The department shall eliminate outreach activities for the health care directives registry and use the remaining amounts to maintain the contract for the registry and minimal staffing necessary to administer the basic entry functions for the registry.

(9) Funding in this section reflects a temporary reduction of resources for the 2009-11 fiscal biennium for the state board of health to conduct health impact reviews.

(10) Pursuant to RCW 43.135.055 and 43.70.125, the department is authorized to adopt rules to establish a fee schedule to apply to applicants for initial certification surveys of health care facilities for purposes of receiving federal health care program reimbursement. The fees shall only apply when the department has determined that federal funding is not sufficient to compensate the department for the cost of conducting initial certification surveys. The fees for initial certification surveys may be established as follows: Up to \$1,815 for ambulatory surgery centers, up to \$2,015 for critical access hospitals, up to \$980 for end stage renal disease facilities, up to \$2,285 for home health agencies, up to \$2,285 for hospice agencies, up to \$2,285 for hospitals, up to \$520 for rehabilitation facilities, up to \$690 for rural health clinics, and up to \$7,000 for transplant hospitals.

(11) Funding for family planning grants for fiscal year 2011 is eliminated in the expectation that federal funding shall become available to expand coverage of services for individuals through programs at the department of social and health services. In the event that such funding is not provided, the legislature intends to continue funding through a supplemental appropriation at fiscal year 2010 levels.

(12) \$16,000,000 of the tobacco prevention and control account-- state appropriation is provided solely for local health jurisdictions to conduct core public health functions as defined in RCW 43.70.514.

(13) \$100,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1414 (health care assistants). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(14) \$42,000 of the health professions account--state appropriation is provided solely to implement Substitute House Bill No. 1740 (dentistry license issuance). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(15) \$23,000 of the health professions account--state appropriation is provided solely to implement Second Substitute House Bill No. 1899 (retired active physician licenses). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(16) \$12,000 of the general fund--state appropriation for fiscal year 2010 and \$67,000 of the general fund--private/local appropriation are provided solely to implement House Bill No. 1510 (birth certificates). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(17) \$31,000 of the health professions account is provided for the implementation of Second Substitute Senate Bill No. 5850 (human trafficking). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(18) \$282,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5752 (dentists cost recovery). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(19) \$106,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5601 (speech language assistants). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(20) Sufficient funds are provided in this section to continue the health care WorkForce survey pursuant to RCW 43.70.695.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2010)	\$55,622,000
General Fund--State Appropriation (FY 2011)	\$56,318,000
<b>TOTAL APPROPRIATION</b>	<b>\$111,940,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2010 and \$35,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2010).	\$459,575,000
General Fund--State Appropriation (FY 2011).	\$629,070,000
General Fund--Federal Appropriation.	\$185,131,000
General Fund--Private/Local Appropriation.	\$3,536,000
Washington Auto Theft Prevention Authority Account-- State Appropriation.	\$5,960,000
TOTAL APPROPRIATION.	\$1,283,272,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2009-11 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) The appropriations in this subsection are based upon savings assumed from the implementation of the following bills: Engrossed Senate Bill No. 6183 (illegal alien offenders), Engrossed House Bill No. 2194 (extraordinary medical placement), Senate Bill No. 6167 (crimes against property), Senate Bill No. 5525 (state institutions/release), chapter 147, Laws of 2009 (Substitute Senate Bill No. 5987) (corrections department personnel), and Substitute Senate Bill No. 6160 (criminal justice sentencing).

(g) A political subdivision which is applying for funding to mitigate one-time impacts associated with construction or expansion of a correctional institution, consistent with WAC 137-12A-030, may apply for the mitigation funds in the fiscal biennium in which the impacts occur or in the immediately succeeding fiscal biennium.

(h) Within amounts provided in this subsection, the department, jointly with the department of social and health services, shall identify the number of offenders released through the extraordinary medical placement program, the cost savings to the department of corrections, including estimated medical cost savings, and the costs for medical services in the community incurred by the department of social and health services. The department and the department of social and health services shall jointly report to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010.

(i) \$11,863,000 of the general fund--state appropriation for fiscal year 2010, \$11,864,000 of the general fund--state appropriation for fiscal year 2011, and \$2,336,000 of the general fund--private/local appropriation are provided solely for in-prison evidence-based programs and for the reception diagnostic center program as part of the offender re-entry initiative.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2010).	\$152,122,000
General Fund--State Appropriation (FY 2011).	\$141,982,000
General Fund--Federal Appropriation.	\$750,000
TOTAL APPROPRIATION.	\$294,854,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$2,083,000 of the general fund--state appropriation for fiscal year 2010 and \$2,083,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Senate Bill No. 5525 (state institutions/release). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.



(c) \$375,000 of the general fund--state appropriation for fiscal year 2010 is provided solely as a matching amount of state funds for a federal second chance act grant and is contingent upon receipt of \$750,000 of federal funding under the second chance act.

(d) The appropriations in this subsection are based upon savings assumed from the implementation of Engrossed Substitute Senate Bill No. 5288 (supervision of offenders).

(e) \$2,791,000 of the general fund--state appropriation for fiscal year 2010 and \$3,166,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for evidence-based community programs and for community justice centers as part of the offender re- entry initiative.

**(4) CORRECTIONAL INDUSTRIES**

General Fund--State Appropriation (FY 2010).	\$2,574,000
General Fund--State Appropriation (FY 2011).	\$2,565,000
<b>TOTAL APPROPRIATION.</b>	<b>\$5,139,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$132,000 of the general fund--state appropriation for fiscal year 2010 and \$132,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

**(5) INTERAGENCY PAYMENTS**

General Fund--State Appropriation (FY 2010).	\$40,455,000
General Fund--State Appropriation (FY 2011).	\$40,450,000
<b>TOTAL APPROPRIATION.</b>	<b>\$80,905,000</b>

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2010).	\$2,544,000
General Fund--State Appropriation (FY 2011).	\$2,550,000
General Fund--Federal Appropriation.	\$18,125,000
General Fund--Private/Local Appropriation.	\$20,000
<b>TOTAL APPROPRIATION.</b>	<b>\$23,239,000</b>

The amounts appropriated in this section are subject to the following conditions and limitations: Sufficient amounts are appropriated in this section to support contracts for services that provide employment support and help with life activities for deaf and blind individuals in King county.

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2010).	\$978,000
General Fund--State Appropriation (FY 2011).	\$976,000
<b>TOTAL APPROPRIATION.</b>	<b>\$1,954,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the sentencing guidelines commission, in partnership with the courts, shall develop a plan to implement an evidence-based system of community custody for adult felons that will include the consistent use of evidence-based risk and needs assessment tools, programs, supervision modalities, and monitoring of program integrity. The plan for the evidence-based system of community custody shall include provisions for identifying cost-effective rehabilitative programs; identifying offenders for whom such programs would be cost-effective; monitoring the system for cost- effectiveness; and reporting annually to the legislature. In developing the plan, the sentencing guidelines shall consult with: The Washington state institute for public policy; the legislature; the department of corrections; local governments; prosecutors; defense attorneys; victim advocate groups; law enforcement; the Washington federation of state employees; and other interested entities. The sentencing guidelines commission shall report its recommendations to the governor and the legislature by December 1, 2009.

(2)(a) Except as provided in subsection (b), during the 2009-11 biennium, the reports required by RCW 9.94A.480(2) and 9.94A.850(2) (d) and (h) shall be prepared within the available funds and may be delayed or suspended at the discretion of the commission.

(b) The commission shall submit the analysis described in section 15 of Engrossed Substitute Senate Bill No. 5288 no later than December 1, 2011.

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2010).	\$7,054,000
General Fund--State Appropriation (FY 2011).	\$53,000
General Fund--Federal Appropriation.	\$320,561,000
General Fund--Private/Local Appropriation.	\$33,825,000
Unemployment Compensation Administration Account--Federal Appropriation.	\$332,904,000
Administrative Contingency Account--State Appropriation.	\$293,000

Employment Service Administrative Account-- State Appropriation.....	\$37,195,000
TOTAL APPROPRIATION.....	\$731,885,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$49,697,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(2) \$32,067,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the replacement of the unemployment insurance tax information system (TAXIS) for the employment security department. This section is subject to section 902 of this act.

(3) \$110,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5804 (leaving part time work voluntarily). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$1,263,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5963 (unemployment insurance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5) \$159,000 of the unemployment compensation account--federal appropriation is provided solely for the implementation of House Bill No. 1555 (underground economy) from funds made available to the state by section 903(d) of the social security act (Reed act).

(6) \$293,000 of the administrative contingency--state appropriation for fiscal year 2010 is provided solely for the implementation of House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) \$7,000,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Senate Bill No. 5809 (WorkForce employment and training). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2010).....	\$441,000
General Fund--State Appropriation (FY 2011).....	\$445,000
General Fund--Federal Appropriation.....	\$30,000
General Fund--Private/Local Appropriation.....	\$864,000
TOTAL APPROPRIATION.....	\$1,780,000

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2010).....	\$60,166,000
General Fund--State Appropriation (FY 2011).....	\$58,190,000
General Fund--Federal Appropriation.....	\$82,452,000
General Fund--Private/Local Appropriation.....	\$16,668,000
Special Grass Seed Burning Research Account--State Appropriation.....	\$14,000
Reclamation Account--State Appropriation.....	\$3,679,000
Flood Control Assistance Account--State Appropriation.....	\$1,965,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	\$14,554,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation.....	\$426,000
Freshwater Aquatic Algae Control Account--State Appropriation.....	\$509,000
Water Rights Tracking System Account--State Appropriation.....	\$116,000
Site Closure Account--State Appropriation.....	\$706,000
Wood Stove Education and Enforcement Account-- State Appropriation.....	\$612,000
Worker and Community Right-to-Know Account-- State Appropriation.....	\$1,670,000
State Toxics Control Account--State Appropriation.....	\$101,727,000
State Toxics Control Account--Private/Local Appropriation.....	\$383,000
Local Toxics Control Account--State Appropriation.....	\$24,730,000
Water Quality Permit Account--State Appropriation.....	\$37,433,000
Underground Storage Tank Account--State Appropriation.....	\$3,298,000
Biosolids Permit Account--State Appropriation.....	\$1,413,000
Hazardous Waste Assistance Account--State Appropriation.....	\$5,930,000
Air Pollution Control Account--State Appropriation.....	\$2,843,000
Oil Spill Prevention Account--State Appropriation.....	\$10,688,000
Air Operating Permit Account--State Appropriation.....	\$2,783,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$1,699,000
Oil Spill Response Account--State Appropriation.....	\$7,078,000
Metals Mining Account--State Appropriation.....	\$14,000

Water Pollution Control Revolving Account--State Appropriation. . . . .	\$465,000
Water Pollution Control Revolving Account--Federal Appropriation. . . . .	\$1,940,000
Emissions Reduction Assistance Account--State Appropriation. . . . .	\$49,000
TOTAL APPROPRIATION. . . . .	\$444,200,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$240,000 of the woodstove education and enforcement account-- state appropriation is provided solely for citizen outreach efforts to improve understanding of burn curtailments, the proper use of wood heating devices, and public awareness of the adverse health effects of woodsmoke pollution.

(3) \$3,000,000 of the general fund--private/local appropriation is provided solely for contracted toxic-site cleanup actions at sites where multiple potentially liable parties agree to provide funding.

(4) \$3,600,000 of the local toxics account--state appropriation is provided solely for the standby emergency rescue tug stationed at Neah Bay.

(5) \$811,000 of the state toxics account--state appropriation is provided solely for oversight of toxic cleanup at facilities that treat, store, and dispose of hazardous wastes.

(6) \$1,456,000 of the state toxics account--state appropriation is provided solely for toxic cleanup at sites where willing parties negotiate prepayment agreements with the department and provide necessary funding.

(7) \$558,000 of the state toxics account--state appropriation and \$3,000,000 of the local toxics account--state appropriation are provided solely for grants and technical assistance to Puget Sound-area local governments engaged in updating shoreline master programs.

(8) \$950,000 of the state toxics control account--state appropriation is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery, beginning in fiscal year 2011.

(9) RCW 70.105.280 authorizes the department to assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that involves both a nonradioactive hazardous component and a radioactive component. Service charges may not exceed the costs to the department in carrying out the duties in RCW 70.105.280. The current service charges do not meet the costs of the department to carry out its duties. Pursuant to RCW 43.135.055 and 70.105.280, the department is authorized to increase the service charges no greater than 18 percent for fiscal year 2010 and no greater than 15 percent for fiscal year 2011. Such service charges shall include all costs of public participation grants awarded to qualified entities by the department pursuant to RCW 70.105D.070(5) for facilities at which such grants are recognized as a component of a community relations or public participation plan authorized or required as an element of a consent order, federal facility agreement or agreed order entered into or issued by the department pursuant to any federal or state law governing investigation and remediation of releases of hazardous substances. Public participation grants funded by such service charges shall be in addition to, and not in place of, any other grants made pursuant to RCW 70.105D.070(5). Costs for the public participation grants shall be billed individually to the mixed waste facility associated with the grant.

(10) The department is authorized to increase the following fees in the 2009-2011 biennium as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Environmental lab accreditation, dam safety and inspection, biosolids permitting, air emissions new source review, and manufacturer registration and renewal.

(11) \$813,000 of the air pollution control account--state appropriation and \$49,000 of the emissions reduction account--state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5735 (reducing greenhouse gas emissions). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(12) \$63,000 of the state toxics control account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(13) \$225,000 of the general fund--state appropriation for fiscal year 2010 and \$193,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(14) \$150,000 of the general fund--state appropriation for fiscal year 2010 and \$150,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for watershed planning implementation grants to continue ongoing efforts to develop and implement water agreements in the Nooksack Basin and the Bertrand watershed. These amounts are intended to support project administration; monitoring; negotiations in the Nooksack watershed between tribes, the department, and affected water users; continued implementation of a flow augmentation project; plan implementation in the Fishtrap watershed; and the development of a water bank.

(15) \$215,000 of the general fund--state appropriation for fiscal year 2010 and \$235,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to provide watershed planning implementation grants for WRIA 32 to implement Substitute House Bill No. 1580 (pilot local water management program). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(16) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purpose of supporting the trust water rights program and processing trust water right transfer applications that improve instream flow.

(17)(a) The department shall convene a stock water working group that includes: Legislators, four members representing agricultural interests, three members representing environmental interests, the attorney general or designee, the director of the department of ecology or designee, the director of the department of agriculture or designee, and affected federally recognized tribes shall be invited to send participants.

(b) The group shall review issues surrounding the use of permit- exempt wells for stock-watering purposes and may develop recommendations for legislative action.

(c) The working group shall meet periodically and report its activities and recommendations to the governor and the appropriate legislative committees by December 1, 2009.

(18) \$22,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5282 (bisphenol A use). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(19) \$73,000 of the water quality permit account--state appropriation is provided solely to implement Substitute House Bill No. 1413 (water discharge fees). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(20) The department shall continue to work with the Columbia Snake River irrigators' association to determine how seasonal water operation and maintenance conservation can be utilized. In implementing this proviso, the department shall also consult with the Columbia River policy advisory group as appropriate.

(21) The department shall track any changes in costs, wages, and benefits that would have resulted if House Bill No. 1716 (public contract living wages), as introduced in the 2009 regular session of the legislature, were enacted and made applicable to contracts and related subcontracts entered into, renewed, or extended during the 2009-11 biennium. The department shall submit a report to the house of representatives commerce and labor committee and the senate labor, commerce, and consumer protection committee by December 1, 2011. The report shall include data on any aggregate changes in wages and benefits that would have resulted during the 2009-11 biennium.

(22) Within amounts appropriated in this section the department shall develop recommendations by December 1, 2009, for a convenient and effective mercury-containing light recycling program for residents, small businesses, and small school districts throughout the state. The department shall consider options including but not limited to, a producer-funded program, a recycler-supported or recycle fee program, a consumer fee at the time of purchase, general fund appropriations, or a currently existing dedicated account. The department shall involve and consult with stakeholders including persons who represent retailers, waste haulers, recyclers, mercury-containing light manufacturers or wholesalers, cities, counties, environmental organizations and other interested parties. The department shall report its findings and recommendations for a recycling program for mercury-containing lights to the appropriate committees of the legislature by December 1, 2009.

(23) During the 2009-11 biennium, the department shall implement its cost reimbursement authority for processing water right applications using a competitive bidding process. For each cost reimbursement application, the department shall obtain cost proposals and other necessary information from at least three prequalified costs reimbursement consultants and shall select the lowest responsive bidder.

(24) \$140,000 of the freshwater aquatic algae control account-- state appropriation is provided solely for grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(25) By December 1, 2009, the department in consultation with local governments shall conduct a remedial action grant financing alternatives report. The report shall address options for financing the remedial action grants identified in the department's report, entitled "House Bill 1761, Model Toxics Control Accounts Ten-Year Financing Plan" and shall include but not be limited to the following: (a) Capitalizing cleanup costs using debt insurance; (b) capitalizing cleanup costs using prefunded cost-cap insurance; (c) other contractual instruments with local governments; and (d) an assessment of overall economic benefits of the remedial action grants funded using the instruments identified in this section.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2010).	\$23,541,000
General Fund--State Appropriation (FY 2011).	\$22,944,000
General Fund--Federal Appropriation.	\$5,902,000
General Fund--Private/Local Appropriation.	\$73,000
Winter Recreation Program Account--State Appropriation.	\$1,558,000
Off Road Vehicle Account--State Appropriation.	\$239,000
Snowmobile Account--State Appropriation.	\$4,842,000
Aquatic Lands Enhancement Account--State Appropriation.	\$363,000
Recreation Resources Account--State Appropriation.	\$9,802,000
NOVA Program Account--State Appropriation.	\$9,560,000
Parks Renewal and Stewardship Account--State Appropriation.	\$73,278,000
Parks Renewal and Stewardship Account--Private/Local Appropriation.	\$300,000
<b>TOTAL APPROPRIATION.</b>	<b>\$152,402,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$79,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the operation of the Northwest avalanche center.

(2) \$1,500,000 of the parks renewal and stewardship account--state appropriation is provided solely to implement Substitute House Bill No. 2109 (state parks and recreation funding). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) Proceeds received from voluntary donations given by motor vehicle registration applicants shall be used solely for the operation and maintenance of state parks.

(4) The commission shall actively pursue transferring ownership of state parks to local governments, tribes, or other entities that have expressed an interest in operating the park. The commission shall provide biannual updates of this effort to the office of financial management and the appropriate fiscal committees of the legislature. The first report shall be submitted no later than December 1, 2009.

(5) With the passage of Substitute House Bill No. 2339 (state parks system donation), the legislature finds that it has provided sufficient funds to ensure that all state parks remain open during the 2009-11 biennium. The commission shall not close state parks unless the bill is not

enacted by June 30, 2009, or revenue collections are insufficient to fund the ongoing operation of state parks. By January 10, 2010, the commission shall provide a report to the legislature on their budget and resources related to operating parks for the remainder of the biennium.

(6) The commission shall work with the department of general administration to evaluate the commission's existing leases with the intention of increasing net revenue to state parks. The commission shall provide to the office of financial management and the legislative fiscal committees no later than September 30, 2009, a list of leases the commission proposes be managed by the department of general administration.

**NEW SECTION. Sec. 304. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

General Fund--State Appropriation (FY 2010).	\$1,511,000
General Fund--State Appropriation (FY 2011).	\$1,558,000
General Fund--Federal Appropriation.	\$10,431,000
General Fund--Private/Local Appropriation.	\$250,000
Aquatic Lands Enhancement Account--State Appropriation.	\$278,000
Firearms Range Account--State Appropriation.	\$39,000
Recreation Resources Account--State Appropriation.	\$2,805,000
NOVA Program Account--State Appropriation.	\$1,062,000
<b>TOTAL APPROPRIATION.</b>	<b>\$17,934,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute House Bill No. 2157 (salmon recovery). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The recreation and conservation office, under the direction of the salmon recovery funding board, shall assess watershed and regional-scale capacity issues relating to the support and implementation of salmon recovery. The assessment shall examine priority setting and incentives to further promote coordination to ensure that effective and efficient mechanisms for delivery of salmon recovery funding board funds are being utilized. The salmon recovery funding board shall distribute its operational funding to the appropriate entities based on this assessment.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund--State Appropriation (FY 2010).	\$1,079,000
General Fund--State Appropriation (FY 2011).	\$1,074,000
<b>TOTAL APPROPRIATION.</b>	<b>\$2,153,000</b>

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2010).	\$7,692,000
General Fund--State Appropriation (FY 2011).	\$7,707,000
General Fund--Federal Appropriation.	\$1,179,000
<b>TOTAL APPROPRIATION.</b>	<b>\$16,578,000</b>

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2010).	\$41,234,000
General Fund--State Appropriation (FY 2011).	\$39,939,000
General Fund--Federal Appropriation.	\$86,330,000
General Fund--Private/Local Appropriation.	\$47,490,000
Off Road Vehicle Account--State Appropriation.	\$415,000
Aquatic Lands Enhancement Account--State Appropriation.	\$6,757,000
Recreational Fisheries Enhancement--State Appropriation.	\$3,640,000
Warm Water Game Fish Account--State Appropriation.	\$2,877,000
Eastern Washington Pheasant Enhancement Account-- State Appropriation.	\$848,000
Aquatic Invasive Species Enforcement Account-- State Appropriation.	\$207,000
Aquatic Invasive Species Prevention Account-- State Appropriation.	\$844,000
Wildlife Account--State Appropriation.	\$74,744,000
Game Special Wildlife Account--State Appropriation.	\$2,381,000
Game Special Wildlife Account--Federal Appropriation.	\$8,928,000
Game Special Wildlife Account--Private/Local Appropriation.	\$487,000
Wildlife Rehabilitation Account--State Appropriation.	\$270,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation.	\$5,001,000
Oil Spill Prevention Account--State Appropriation.	\$884,000
Oyster Reserve Land Account--State Appropriation.	\$918,000
<b>TOTAL APPROPRIATION.</b>	<b>\$324,194,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund--state appropriation for fiscal year 2010 and \$422,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2011-2013 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2011.

(5) \$66,000 of the state wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 1972 (outdoor recreation info). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$1,232,000 of the state wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 1778 (fish and wildlife). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$400,000 of the general fund--state appropriation for fiscal year 2010 and \$400,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for removal of derelict gear in Washington waters.

(9) The department of fish and wildlife shall dispose of all fixed wing aircraft it currently owns. The proceeds from the aircraft shall be deposited into the state wildlife account. Disposal of the aircraft must occur no later than June 30, 2010.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for an electron project fish passage study consistent with the recommendations and protocols contained in the 2008 electron project downstream fish passage final report.

(11) \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(12) If sufficient new revenues are not identified to continue hatchery operations, within the constraints of legally binding tribal agreements, the department shall dispose of, by removal, sale, lease, reversion, or transfer of ownership, the following hatcheries: McKernan, Colville, Omak, Bellingham, Arlington, and Mossyrock. Disposal of the hatcheries must occur by June 30, 2011, and any proceeds received from disposal shall be deposited in the state wildlife account. Within available funds, the department shall provide quarterly reports on the progress of disposal to the office of financial management and the appropriate fiscal committees of the legislature. The first report shall be submitted no later than September 30, 2009.

(13) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2010). . . . .	\$40,275,000
General Fund--State Appropriation (FY 2011). . . . .	\$40,857,000
General Fund--Federal Appropriation. . . . .	\$26,731,000
General Fund--Private/Local Appropriation. . . . .	\$1,371,000
Forest Development Account--State Appropriation. . . . .	\$41,765,000
Off Road Vehicle Account--State Appropriation. . . . .	\$4,236,000
Surveys and Maps Account--State Appropriation. . . . .	\$2,543,000

Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$7,217,000
Resources Management Cost Account--State Appropriation. . . . .	\$78,951,000
Surface Mining Reclamation Account--State Appropriation. . . . .	\$3,490,000
Disaster Response Account--State Appropriation. . . . .	\$5,000,000
Forest and Fish Support Account--State Appropriation. . . . .	\$8,000,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation.. . . .	\$1,336,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation. . . . .	\$34,000
State Toxics Control Account--State Appropriation. . . . .	\$80,000
Air Pollution Control Account--State Appropriation. . . . .	\$569,000
NOVA Program Account--State Appropriation. . . . .	\$982,000
Derelict Vessel Removal Account--State Appropriation. . . . .	\$1,754,000
Agricultural College Trust Management Account-- State Appropriation. . . . .	\$2,643,000
TOTAL APPROPRIATION. . . . .	\$267,834,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,355,000 of the general fund--state appropriation for fiscal year 2010 and \$1,299,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$11,128,000 of the general fund--state appropriation for fiscal year 2010, \$11,128,000 of the general fund--state appropriation for fiscal year 2011, and \$5,000,000 of the disaster response account-- state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$600,000 of the derelict vessel removal account--state appropriation is provided solely for removal of derelict and abandoned vessels that have the potential to contaminate Puget Sound.

(5) \$666,000 of the general fund--federal appropriation is provided solely to implement House Bill No. 2165 (forest biomass energy project). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$5,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute House Bill No. 1038 (specialized forest products). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) \$440,000 of the state general fund--state appropriation for fiscal year 2010 and \$440,000 of the state general fund--state appropriation for fiscal year 2011 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp at the level provided in fiscal year 2008. The department shall consider using up to \$2,000,000 of the general fund--federal appropriation to support and utilize correctional camp crews to implement natural resource projects approved by the federal government for federal stimulus funding.

(8) The department of natural resources shall dispose of the King Air aircraft it currently owns. Disposal of the aircraft must occur no later than June 30, 2010, and the proceeds from the sale of the aircraft shall be deposited into the natural resources equipment revolving fund. At the expiration of current leases, the department shall lease facilities in eastern Washington sufficient to house the necessary aircraft, mechanics, and pilots used for forest fire prevention and suppression.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2010 and \$30,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2010). . . . .	\$12,616,000
General Fund--State Appropriation (FY 2011). . . . .	\$12,295,000
General Fund--Federal Appropriation. . . . .	\$11,565,000
General Fund--Private/Local Appropriation.. . . .	\$194,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$2,559,000
State Toxics Control Account--State Appropriation. . . . .	\$4,298,000
Water Quality Permit Account--State Appropriation. . . . .	\$61,000
TOTAL APPROPRIATION. . . . .	\$43,588,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the aquatic lands enhancement account appropriation is provided solely for funding to the Pacific county noxious weed control board to eradicate remaining spartina in Willipa Bay.

(2) \$19,000 of the general fund--state appropriation for fiscal year 2010 and \$6,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) The department is authorized to establish or increase the following fees in the 2009-11 biennium as necessary to meet the actual costs of conducting business: Christmas tree grower licensing, nursery dealer licensing, plant pest inspection and testing, and commission merchant testing licensing.

(4) Within the amounts appropriated in this section, the department of agriculture shall convene meetings with the dairy industry representatives and affected groups to consider alternatives for stabilizing farm milk prices. The department of agriculture shall provide a report of findings to the appropriate committees of the legislature and the office of financial management no later than December 15, 2009.

(5) \$63,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Substitute Bill No. 5005 (naturally raised beef cattle). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account--State Appropriation. . . . . \$638,000

**NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP**

General Fund--State Appropriation (FY 2010). . . . .	\$3,223,000
General Fund--State Appropriation (FY 2011). . . . .	\$3,194,000
General Fund--Federal Appropriation. . . . .	\$3,623,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$500,000
State Toxics Control Account--State Appropriation. . . . .	\$896,000
TOTAL APPROPRIATION. . . . .	\$11,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$305,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery.

(2) \$896,000 of the state toxics control account--state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(3) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(4) The Puget Sound partnership shall work with Washington State University and the environmental protection agency to secure funding for the beach watchers program.

(5) \$877,000 of the general fund--state appropriation for fiscal year 2010 and \$877,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to support public education and volunteer programs. The partnership is directed to distribute the majority of funding as grants to local organizations, local governments, and education, communication, and outreach network partners. The partnership shall track progress for this activity through the accountability system of the Puget Sound partnership.

**NEW SECTION. Sec. 312.** Transfers from natural resource funds in part VIII of this act are intended to support natural resource agencies.

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2010). . . . .	\$1,668,000
General Fund--State Appropriation (FY 2011). . . . .	\$1,712,000
Architects' License Account--State Appropriation. . . . .	\$1,056,000
Cemetery Account--State Appropriation. . . . .	\$414,000
Professional Engineers' Account--State Appropriation. . . . .	\$3,586,000
Real Estate Commission Account--State Appropriation. . . . .	\$10,047,000
Master License Account--State Appropriation. . . . .	\$15,718,000
Uniform Commercial Code Account--State Appropriation. . . . .	\$3,100,000
Real Estate Education Account--State Appropriation. . . . .	\$276,000
Real Estate Appraiser Commission Account--State Appropriation. . . . .	\$1,692,000
Business and Professions Account--State Appropriation. . . . .	\$15,270,000
Real Estate Research Account--State Appropriation. . . . .	\$320,000
Funeral Directors And Embalmers Account--State Appropriation. . . . .	\$885,000
Geologists' Account--State Appropriation. . . . .	\$53,000
Derelict Vessel Removal Account--State Appropriation. . . . .	\$31,000



TOTAL APPROPRIATION..... \$55,828,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for cosmetologists, funeral directors, cemeteries, court reporters and appraisers. These increases are necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.
- (2) \$1,352,000 of the business and professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 5391 (tattoo and body piercing). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (3) \$289,000 of the architects' license account--state appropriation is provided solely to implement Senate Bill No. 5529 (architects). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (4) \$358,000 of the business and professions account--state appropriation is provided solely to implement Senate Bill No. 6126 (professional athletics). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2010).	\$41,468,000
General Fund--State Appropriation (FY 2011).	\$40,366,000
General Fund--Federal Appropriation.	\$11,401,000
General Fund--Private/Local Appropriation..	\$3,568,000
Death Investigations Account--State Appropriation..	\$6,022,000
Enhanced 911 Account--State Appropriation..	\$589,000
County Criminal Justice Assistance Account--State Appropriation..	\$3,122,000
Municipal Criminal Justice Assistance Account--State Appropriation.	\$1,245,000
Fire Service Trust Account--State Appropriation..	\$131,000
Disaster Response Account--State Appropriation.	\$8,002,000
Fire Service Training Account--State Appropriation.	\$8,717,000
Aquatic Invasive Species Enforcement Account--State Appropriation.	\$54,000
State Toxics Control Account--State Appropriation.	\$504,000
Fingerprint Identification Account--State Appropriation..	\$7,371,000
TOTAL APPROPRIATION.....	\$132,560,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.
- (3) The state patrol shall implement a cost recovery method to fully recover costs for operating the two king air airplanes. Users of the plane, including the state patrol and the governor's office, shall be charged an appropriate amount to cover all operating and maintenance costs of the plane. The state patrol shall report on this method, the rates being charged, total operational expenses, and information regarding usage of the planes to the office of financial management and the appropriate committees of the legislature.
- (4) The 2010 legislature will review the use of king air planes by the executive branch and the adequacy of funding in this budget regarding maintaining and operating the planes to successfully accomplish their mission.
- (5) The appropriations in this section reflect reductions in the appropriations for the agency's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.
- (6) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.
- (7) \$48,000 of the fingerprint identification account--state appropriation is provided solely to implement Substitute House Bill No. 1621 (consumer loan companies). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund--State Appropriation (FY 2010).	\$34,798,000
General Fund--State Appropriation (FY 2011).	\$32,969,000
General Fund--Federal Appropriation.	\$86,571,000
TOTAL APPROPRIATION.....	\$154,338,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) A maximum of \$22,532,000 of the general fund--state appropriation for fiscal year 2010 and \$21,023,000 of the general fund--state appropriation for fiscal year 2011 is for state agency operations.

(a) \$11,792,000 of the general fund--state appropriation for fiscal year 2010 and \$11,325,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Within amounts appropriated in this subsection (1)(a), the office of the superintendent of public instruction, consistent with WAC 392-121-182 (alternative learning experience requirements) which requires documentation of alternative learning experience student headcount and full-time equivalent (FTE) enrollment claimed for basic education funding, shall provide, via the monthly report of school district enrollment, accurate monthly headcount and FTE enrollments for students in internet alternative learning experience (ALE) programs as well as information about resident and serving districts.

(iii) \$927,000 of the general fund--state appropriation for fiscal year 2010 and \$941,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for research and development activities associated with the development of options for new school finance systems, including technical staff, reprogramming, and analysis of alternative student funding formulae. Within this amount is \$150,000 for the state board of education for further development of accountability systems, and \$150,000 for the professional educator standards board for continued development of teacher certification and evaluation systems.

(b) \$965,000 of the general fund--state appropriation for fiscal year 2010 and \$965,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$5,366,000 of the general fund--state appropriation for fiscal year 2010 and \$5,264,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the professional educator standards board for the following:

(i) \$1,070,000 in fiscal year 2010 and \$1,070,000 in fiscal year 2011 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program;

(ii) \$3,431,000 of the general fund--state appropriation for fiscal year 2010 and \$3,431,000 of the general fund--state appropriation for fiscal year 2011 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of these amounts:

(A) \$500,000 each year is for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,372,000 for fiscal year 2010 and \$2,372,000 for fiscal year 2011 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education;

(C) Any remaining amounts in this subsection (c) shall be used to continue existing alternative routes to certification programs; and

(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding;

(iii) \$231,000 of the general fund--state appropriation for fiscal year 2010 and \$231,000 of the general fund--state appropriation for fiscal year 2011 are for the recruiting Washington teachers program;

(iv) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 provided in this subsection are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators program;

(v) \$244,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund--state appropriation for fiscal year 2011 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program. The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework; and

(vi) \$102,000 of the general fund--state appropriation for fiscal year 2010 is provided for the implementation of Second Substitute Senate Bill No. 5973 (student achievement gap). The professional educator standards board (PESB) will convene a workgroup to identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards. Funding is also included here in the amount of \$10,000 for the PESB to develop an interagency agreement with the center for the improvement of student learning to participate.

(d) \$1,099,000 of the general fund--state appropriation for fiscal year 2010 and \$144,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(e) \$1,227,000 of the general fund--state appropriation for fiscal year 2010 and \$1,227,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(f) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial education public-private partnership.

(g) To the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(h) \$44,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of House Bill No. 1075 (enacting the interstate compact on educational opportunity for military children).

(i) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$700,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5410 (online learning).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(2) \$12,836,000 of the general fund--state appropriation for fiscal year 2010, \$12,407,000 of the general fund--state appropriation for fiscal year 2011, and \$55,890,000 of the general fund--federal appropriation are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2010 and \$2,541,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iii) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(iv) \$96,000 of the general fund--state appropriation for fiscal year 2010 and \$96,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(v) \$70,000 of the general fund--state appropriation for fiscal year 2010 and \$70,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the youth suicide prevention program.

(vi) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

(i) \$1,939,000 of the general fund--state appropriation for fiscal year 2010 and \$1,939,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(ii) \$1,475,000 of the general fund--state appropriation for fiscal year 2010, \$1,045,000 of the general fund--state appropriation for fiscal year 2011, and \$435,000 of the general fund--federal appropriation are provided solely for implementing a comprehensive data system to include financial, student, and educator data. The office of the superintendent of public instruction will convene a data governance group to create a comprehensive needs-requirement document, conduct a gap analysis, and define operating rules and a governance structure for K-12 data collections. A preliminary report shall be submitted to the fiscal committees and the education policy committees of the house of representatives and senate by November 2009.

(iii) \$1,656,000 of the general fund--federal appropriation for fiscal year 2010 and \$2,483,000 of the general fund--federal appropriation for fiscal year 2011 of the American recovery and reinvestment act (ARRA) 2009 funds for education technology are provided solely for distribution to school districts, by formula, as provided in the ARRA and related federal guidelines. \$4,139,000 of the general fund--federal appropriation of the American recovery and reinvestment act (ARRA) 2009 funds for education technology shall be awarded to local education agencies through a competitive grant process.

(c) GRANTS AND ALLOCATIONS

(i) \$1,329,000 of the general fund--state appropriation for fiscal year 2010 and \$1,329,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016.

(ii) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(iv) \$175,000 of the general fund--state appropriation for fiscal year 2010 and \$175,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(v) \$3,219,000 of the general fund--state appropriation for fiscal year 2010 and \$3,220,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one

hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(vi) \$675,000 of the general fund--state appropriation for fiscal year 2010 and \$675,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of a statewide program for comprehensive dropout prevention, intervention, and retrieval.

(vii) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection (2)(c)(vii), the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs. (viii) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. Using the full amounts of the appropriation under this subsection, the office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

(ix) \$145,000 of the general fund--state appropriation for fiscal year 2010 and \$145,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction to enhance the reading skills of students with dyslexia by implementing the findings of the dyslexia pilot program. Funds shall be used to provide information and training to classroom teachers and reading specialists, for development of a dyslexia handbook, and to take other statewide actions to improve the reading skills of students with dyslexia. The training program shall be delivered regionally through the educational service districts.

(x) \$97,000 of the general fund--state appropriation for fiscal year 2010 and \$97,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to support vocational student leadership organizations.

(xi) \$25,000 of the general--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the communities in school program in Pierce county.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2010) . . . . .	\$5,083,217,000
General Fund--State Appropriation (FY 2011) . . . . .	\$5,103,543,000
TOTAL APPROPRIATION . . . . .	\$10,186,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2009-10 and 2010-11 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii)(A) Fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades K-4 for districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grades K-4 in digital or online learning programs defined in WAC 392-121-182.

(B) All other districts shall be allocated a minimum of forty-nine certificated instructional staff units per 1,000 full-time-equivalent (FTE) students in grades K through four, and shall be allocated additional certificated instructional staff units to equal the documented staffing level in grades K through four, up to a maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.

(C) Certificated instructional staff allocations in this subsection (2)(a)(ii) exceeding the statutory minimums established in RCW 28A.150.260 shall not be considered part of basic education.

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 5-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2010-11 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2009-10 and 2010-11 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (h) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.43 percent in the 2009-10 school year and 14.43 percent in the 2010- 11 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 16.58 percent in the 2009-10 school year and 16.58 percent in the 2010-11 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (g) of this section, there shall be provided a maximum of \$10,179 per certificated staff unit in the 2009-10 school year and a maximum of \$10,445 per certificated staff unit in the 2010-11 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$24,999 per certificated staff unit in the 2009-10 school year and a maximum of \$25,449 per certificated staff unit in the 2010-11 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$19,395 per certificated staff unit in the 2009-10 school year and a maximum of \$19,744 per certificated staff unit in the 2010-11 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$607.44 for the 2009-10 and 2010-11 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) Funding in this section is sufficient to provide additional service year credits to educational staff associates pursuant to chapter 403, Laws of 2007.

(10)(a) The superintendent may distribute a maximum of \$7,288,000 outside the basic education formula during fiscal years 2010 and 2011 as follows:

(i) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$567,000 may be expended in fiscal year 2010 and a maximum of \$577,000 may be expended in fiscal year 2011;

(ii) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2010 fiscal year and a maximum of \$2,385,000 for the 2011 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(iii) A maximum of \$404,000 may be expended for school district emergencies; and

(iv) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(b) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.0 percent from the 2008-09 school year to the 2009-10 school year and 4.0 percent from the 2009-10 school year to the 2010-11 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (g) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.** (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.43 percent for school year 2009-10 and 14.43 percent for school year 2010-11 for certificated staff and for classified staff 16.58 percent for school year 2009-10 and 16.58 percent for the 2010-11 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff  
For School Year 2009-10

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
1	34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
2	35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
3	35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538

4	36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
5	36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
6	36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
7	37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
8	39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
9		41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081
10			43,877	45,498	48,794	51,195	48,995	52,291	54,692
11				47,032	50,399	52,849	50,528	53,897	56,345
12				48,517	52,048	54,571	52,122	55,545	58,068
13					53,737	56,335	53,773	57,234	59,831
14					55,434	58,165	55,471	59,042	61,663
15					56,877	59,679	56,913	60,577	63,266
16 or more					58,014	60,871	58,051	61,788	64,531

Table Of Total Base Salaries For Certificated Instructional Staff  
For School Year 2010-11

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
1	34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
2	35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
3	35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538
4	36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
5	36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
6	36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
7	37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
8	39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
9		41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081
10			43,877	45,498	48,794	51,195	48,995	52,291	54,692
11				47,032	50,399	52,849	50,528	53,897	56,345
12				48,517	52,048	54,571	52,122	55,545	58,068
13					53,737	56,335	53,773	57,234	59,831
14					55,434	58,165	55,471	59,042	61,663
15					56,877	59,679	56,913	60,577	63,266
16 or more					58,014	60,871	58,051	61,788	64,531

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2010).	(\$4,215,000)
General Fund--State Appropriation (FY 2011).	\$14,172,000

General Fund--Federal Appropriation. ....	\$6,000
TOTAL APPROPRIATION.....	\$9,963,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These adjustments shall ensure a minimum salary allocation for certificated administrative staff of \$57,986 in the 2009-10 school year and \$57,986 in the 2010-11 school year.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These salary adjustments ensure a minimum salary allocation for classified staff of \$31,865 in the 2009- 10 school year and \$31,865 in the 2010-11 school year.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.79 percent for the 2009-10 school year and 13.79 percent for the 2010-11 school year for certificated staff and 13.08 percent for the 2009-10 school year and 13.08 percent for the 2010-11 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act. The appropriations in this section provide incremental fringe benefit alterations based on formula adjustments as follows:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0	\$0
Highly Capable (per formula student)	(\$1.49)	(\$1.49)
Transitional Bilingual Education (per eligible bilingual student)	(\$3.93)	(\$3.93)
Learning Assistance (per formula student)	(\$1.18)	(\$1.18)

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) \$44,188,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$732.00 per month for the 2009-10 and 2010-11 school years. The appropriations in this section provide for a rate increase to \$745.00 per month for the 2009-10 school year and \$768.00 per month for the 2010-11 school year. The adjustments to health insurance benefits are at the following rates:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0.12	\$0.33
Highly Capable (per formula student)	\$0.82	\$2.22
Transitional Bilingual Education (per eligible bilingual student)	\$2.10	\$5.83
Learning Assistance (per formula student)	\$0.54	\$1.49

(3) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2010). ....	\$307,357,000
General Fund--State Appropriation (FY 2011). ....	\$307,070,000
TOTAL APPROPRIATION.....	\$614,427,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$878,000 of this fiscal year 2010 appropriation and a maximum of \$894,000 of the fiscal year 2011 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) Allocations for transportation of students shall be based on reimbursement rates of \$48.15 per weighted mile in the 2009-10 school year and \$48.40 per weighted mile in the 2010-11 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by



superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect reductions from the implementation of Substitute House Bill No. 1292 (authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks).

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2010).	\$3,159,000
General Fund--State Appropriation (FY 2011).	\$3,159,000
General Fund--Federal Appropriation.	\$281,988,000
<b>TOTAL APPROPRIATION.</b>	<b>\$288,306,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2010 and \$3,000,000 of the general fund--state appropriation for fiscal year 2011 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the 2011 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund--state appropriation for fiscal year 2010 and \$59,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

(4) \$1,588,000 of the general fund--federal appropriation of American recovery and reinvestment act of 2009 (ARRA) funds is provided solely for equipment assistance to school food authorities (SFAs) participating in the national school lunch program (NSLP). Local SFAs may apply to the office of the superintendent of public instruction to receive grants in accordance with provisions of the ARRA. As stipulated in the ARRA, priority will be given to SFAs for equipment for schools in which at least 50 percent of the students are eligible for free or reduced-priced meals.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2010).	\$640,959,000
General Fund--State Appropriation (FY 2011).	\$652,388,000
General Fund--Federal Appropriation.	\$656,052,000
Education Legacy Trust Account--State Appropriation.	\$756,000
<b>TOTAL APPROPRIATION.</b>	<b>\$1,950,155,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2009-10 and 2010-11 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$73,668,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high- cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(15) \$262,000 of the general fund--state appropriation for fiscal year 2010 and \$251,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(16) \$221,357,000 of the general fund--federal appropriation of American recovery and reinvestment act of 2009 funds is provided solely for the individuals with disabilities education act (IDEA), Part B, for distribution to school districts. The funds' use is to be consistent with the current IDEA, Part B statutory and regulatory requirements.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2010, \$50,000 of the general fund--state appropriation for fiscal 2011, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2010)	\$8,394,000
General Fund--State Appropriation (FY 2011)	\$8,395,000
TOTAL APPROPRIATION	\$16,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$3,355,000 of the general fund--state appropriation for fiscal year 2010 and \$3,355,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2010)	\$42,921,000
General Fund--State Appropriation (FY 2011)	\$209,997,000
General Fund--Federal Appropriation	\$176,284,000
TOTAL APPROPRIATION	\$429,202,000

The appropriations in this section are subject to the following conditions and limitations: \$176,284,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for local effort assistance payments.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2010)	\$18,943,000
General Fund--State Appropriation (FY 2011)	\$17,992,000
TOTAL APPROPRIATION	\$36,935,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$329,000 of the general fund--state appropriation for fiscal year 2010 and \$329,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The

following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2010).	\$9,430,000
General Fund--State Appropriation (FY 2011).	\$9,437,000
TOTAL APPROPRIATION.	\$18,867,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$401.08 per funded student for the 2009-10 school year and \$401.08 per funded student for the 2010-11 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$90,000 of the fiscal year 2010 appropriation and \$90,000 of the fiscal year 2011 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

(4) \$170,000 of the fiscal year 2010 appropriation and \$170,000 of the fiscal year 2011 appropriation are provided for the centrum program at Fort Worden state park.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**

General Fund--Federal Appropriation.	\$43,450,000
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**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2010).	\$95,181,000
General Fund--State Appropriation (FY 2011).	\$102,512,000
General Fund--Federal Appropriation.	\$152,626,000
Education Legacy Trust Account--State Appropriation.	\$95,112,000
TOTAL APPROPRIATION.	\$445,431,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,806,000 of the general fund--state appropriation for fiscal year 2010, \$34,516,000 of the general fund--state appropriation for fiscal year 2011, \$1,850,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund-- federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2010 and \$3,249,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the design of the state assessment system and the implementation of end of course assessments for high school math.

(3) \$1,014,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days for fourth and fifth grade teachers during the 2008-2009 school year. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(4) \$3,241,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math and science teachers during the 2008- 2009 school year, as well as specialized training for one math and science teacher in each middle school and high school during the 2008- 2009 school year. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(5) \$3,850,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to chapter 396, Laws of 2007. Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities for up to twenty-five instructional coaches in middle and high school math and twenty-five instructional

coaches in middle and high school science in each year of the biennium; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program.

(6) \$1,781,000 of the general fund--state appropriation for fiscal year 2010 and \$1,943,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. If Second Substitute Senate Bill No. 5676 is enacted the allocations are formula-driven, otherwise the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(7) \$139,000 of the general fund--state appropriation for fiscal year 2010 and \$139,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(8) \$1,579,000 of the general fund--state appropriation for fiscal year 2010 and \$1,579,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events. Funding shall be distributed to the various LASER activities in a manner proportional to LASER program spending during the 2007-2009 biennium.

(9) \$81,010,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in chapter 400, Laws of 2007. The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 20 percent of kindergarten enrollment. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

(10) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$900,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(11) \$105,754,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(12) \$3,046,000 of the general fund--state appropriation for fiscal year 2010 and \$3,046,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Funding in this subsection may be used for focused assistance programs for individual schools as well as school districts.

(13) \$30,702,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(14) \$1,667,000 of the general fund--state appropriation for fiscal year 2010 and \$1,667,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(15) \$5,285,000 of the general fund--state appropriation for fiscal year 2010 and \$5,285,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(16) \$1,056,000 of the general fund--state appropriation for fiscal year 2010 and \$1,056,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2009 through August 31, 2011.

(17) \$3,594,000 of the general fund--state appropriation for fiscal year 2010 and \$3,594,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(18) \$1,959,000 of the general fund--state appropriation for fiscal year 2010 and \$1,959,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2010 and \$125,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(20) \$250,000 of the education legacy trust account--state appropriation is provided solely for costs associated with the office of the superintendent of public instruction's statewide director of technology position.

(21)(a) \$28,270,000 of the general fund--state appropriation for fiscal year 2010 and \$36,513,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher beginning in the 2007-08 school year and adjusted for inflation in each school year thereafter in which Initiative 732 cost of living adjustments are provided. National board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner; and

(iv) During the 2009-10 and 2010-11 school years, and within the available appropriation, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The assessment fee for national certification is provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the assessment fee, not including the initial up-front candidacy payment, as set by the national board for professional teaching standards and administered by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits.

(22) \$2,750,000 of the general fund--state appropriation for fiscal year 2010 and \$2,750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. This funding may additionally be used to support FIRST Robotics programs.

(23) \$300,000 of the general fund--state appropriation for fiscal year 2010 and \$300,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the local farms-healthy kids program as described in chapter 215, Laws of 2008.

(24) \$2,348,000 of the general fund--state appropriation for fiscal year 2010 and \$2,348,000 of the general fund--state appropriation for fiscal year 2011 are appropriated for a beginning educator support program. School districts and/or regional consortia may apply for grant funding beginning in the 2009-10 school year. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together, and teacher observation time with accomplished peers. \$250,000 may be used to provide state-wide professional development opportunities for mentors and beginning educators. The superintendent of public instruction shall adopt rules to establish and operate a research-based beginning educator support program no later than August 31, 2009. OSPI must evaluate the program's progress and may contract for this work. A report to the legislature about the beginning educator support program is due November 1, 2010.

(25) \$4,400,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, consistent with the recommendations of the Washington assessment of student learning work group.

(26) \$70,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5414 (statewide assessments and curricula).

(27) \$530,000 of the general fund--state appropriation for fiscal year 2010 and \$530,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2010).	\$77,994,000
General Fund--State Appropriation (FY 2011).	\$80,937,000
General Fund--Federal Appropriation.	\$45,263,000

TOTAL APPROPRIATION..... \$204,194,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$901.46 per eligible bilingual student in the 2009-10 school year and \$901.46 in the 2010-11 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.
- (5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2010).	\$101,067,000
General Fund--State Appropriation (FY 2011).	\$102,237,000
General Fund--Federal Appropriation.	\$543,925,000
Education Legacy Trust Account--State Appropriation.	\$47,980,000
TOTAL APPROPRIATION.....	\$795,209,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
  - (a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
  - (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$281.71 per funded student for the 2009-10 school year and \$282.63 per funded student for the 2010-11 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
  - (c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:
    - (i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and
    - (ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K- 12 annual average full-time equivalent enrollment for the prior school year.
  - (d) In addition to the amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students, subject to the following rules and conditions:
    - (i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.
    - (ii) Districts meeting the specifications in (d)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (d)(i) of this subsection, 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.
- (2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.
- (3) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.
- (4) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.
- (5) Within amounts appropriated in this section, funding is provided for the implementation of extended learning programs required in chapter 328, Laws of 2008.
- (6) \$51,970,000 of the general fund--federal appropriation for fiscal year 2010 and \$77,955,000 of the general fund--federal appropriation for fiscal year 2011 of American recovery and reinvestment act of 2009 (ARRA) Title I, Part A funds are in addition to regular Title I, Part A allocations solely for allocation to eligible school districts in accordance with the guidelines of ARRA.
- (7) \$48,981,000 of the general fund--federal appropriation from the American recovery and reinvestment act of 2009 (ARRA) is for school improvement. This consists of 4 percent, or \$5,413,000 of the Title I, Part A recovery funds which must be set aside for school improvement as well as \$43,568,000 in additional school improvement funds.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

General Fund--State Appropriation (FY 2011). . . . .	\$104,101,000
General Fund--Federal Appropriation. . . . .	\$200,295,000
TOTAL APPROPRIATION. . . . .	\$304,396,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$131.16 per FTE student for the 2009- 10 school year and \$99.32 per FTE student for the 2010-11 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

(4) \$200,295,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for the student achievement program.

**NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.** State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) The colleges of education for institutions with appropriations in sections 606 through 611 shall develop a plan, by October 30, 2009, to increase the number of math and science teacher endorsements and certificates granted by the institution. The plan shall address the college's math and science teacher endorsement and certification completion goal for each of the next six years, beginning with the 2010-2011 academic year, and shall be reported to the governor, the relevant policy committees of the legislature, the higher education coordinating board (HECB) and the professional educator standards board (PESB). Plan components may address: Student advising practices, increased outreach and



recruitment efforts to under-represented populations, linkages with university mathematics and science departments, and implementation of redesigned, innovative endorsement and certification programs. To accomplish this work, enrollments may need to be shifted from low-need endorsement and certificate areas to math and science. A report shall be made each October 30th to the HECB and PESB regarding the degree to which plan goals have been met and activities undertaken to support those outcomes.

(5) In accordance with RCW 28B.10.920 through 28B.10.922, the state performance agreement committee and each public four-year institution of higher education shall develop performance agreements for the period September 1, 2009, through June 30, 2015. The agreements shall reflect the level of state, tuition, and other resources appropriated or authorized for each institution in this act and in the omnibus 2009-11 omnibus capital budget act, as well as reasonably anticipated changes in such resources for the two subsequent biennia as required to accomplish the higher education master plan as adopted by the legislature. The agreements shall build upon each institution's actual performance relative to the 2011 targets previously negotiated between the institution, the higher education coordinating board, and the office of financial management, and shall include measurable performance targets, benchmarks, and goals in areas including but not limited to:

- (a) Student enrollment levels, by campus;
- (b) Baccalaureate and advanced degree production;
- (c) Baccalaureate and advanced degree production in high employer- demand fields;
- (d) Undergraduate retention and graduation rates;
- (e) Time-to-degree for students entering as freshmen, and as upper- division transfers;
- (f) Efficiency to degree; and
- (g) Capital investment as required to (i) maintain existing capacity, and (ii) meet enrollment targets in accordance with the master plan as adopted by the legislature.

Each institution shall report progress toward its performance targets during the preceding academic year to the state performance agreement committee prior to November 1, 2010. The higher education coordinating board shall consolidate and summarize the institutional reports, and provide them to the relevant policy and fiscal committees of the legislature by December 1, 2010.

(6) To facilitate transparency and compliance with the American recovery and reinvestment act, the institutions of higher education receiving state and federal appropriations under sections 605 through 611 of this act shall allot anticipated state, federal, and tuition expenditures by budget program and fiscal year. The office of financial management shall notify the legislative ways and means committees of the proposed allotments at least ten days prior to their approval.

(7) To the extent permitted by the applicable personnel system rules, and to the extent collectively bargained with represented employees, institutions of higher education are encouraged to achieve the reductions in full-time-equivalent employment and payroll levels necessary to operate within this budget through strategies that will minimize impacts on employees, their families, their communities, and short- and longer-term accomplishment of institutional mission. Institutions are encouraged to utilize strategies such as reduced work- hours per day or week, voluntary leave without pay, and temporary furloughs that enable employees to maintain permanent employment status. Institutions are further encouraged to implement such strategies in ways that will enable employees to maintain full insurance benefits, full retirement service credit, and a living wage.

(8)(a) For institutions receiving appropriations in section 605 of this act the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460, and House Bill No. 2328.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 and House Bill No. 2328; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 and House Bill No. 2328. Any salary increase granted under the authority of this subsection (8)(c)(ii) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (8)(c)(ii).

**NEW SECTION. Sec. 602.** (1) Within the funds appropriated in this act, each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state- supported students per academic year:

	2009-10 Annual Average	2010-11 Annual Average
University of Washington	36,546	37,162
Washington State University	22,250	22,250
Central Washington University	8,477	8,734
Eastern Washington University	8,469	8,808
The Evergreen State College	4,213	4,213
Western Washington University	11,373	11,762
State Board for Community & Technical Colleges Adult Students	139,237	139,237

Running Start Students

11,558

11,558

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(3) By September 1, 2009, each institution shall report to the higher education committees and the relevant fiscal committees of the legislature on its plans for achieving the objectives in this section.

(4) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

**NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS.** In order to operate within the state funds appropriated in this act, the governing boards of the state research universities, the state regional universities, and The Evergreen State College are authorized to adopt and adjust tuition and fees for the 2009-10 and 2010-11 academic years as provided in this section:

(1) Each governing board may increase the tuition fees, as defined in RCW 28B.15.020, charged to resident undergraduate students by no more than fourteen percent over the amounts charged to resident undergraduate students for the prior academic year.

(2) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.

(3) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(4) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.

(5) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.

(6) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.

(7) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(8) Each governing board is authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the governing board.

(9) In addition to the 3.5 percent of tuition and services and activities fees used for institutional financial aid as required by RCW 28B.15.820, each governing board shall assure that at least one-seventh of the additional tuition revenue that would otherwise be collected as a result of resident undergraduate tuition increases in excess of seven percent per year is used to provide additional financial aid to resident undergraduate students. Each institution shall report to the relevant policy and fiscal committees of the legislature by December 1, 2009, and again by December 1, 2010, demonstrating how it has modified financial aid policies and practices during the current academic year to accomplish this purpose.

**NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES.** In order to operate within the state funds appropriated in this act, the state board for community and technical colleges and the trustees of the state's community and technical colleges are authorized to adopt and adjust tuition and fees for the 2009-10 and 2010-11 academic years as provided in this section:

(1) The state board may increase the tuition fees charged to resident undergraduate students by no more than seven percent over the amounts charged to resident undergraduates during the prior academic year. The board may increase tuition fees under this subsection differentially based on student credit hour load, provided that the overall increase in average tuition revenue per student does not exceed seven percent each year.

(2) The state board may increase the tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs by no more than fourteen percent over the amounts charged during the prior academic year.

(3) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(4) The trustees of the technical colleges are authorized to either (a) increase operating fees by no more than the percentage increases authorized for community colleges by the state board; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(5) For the 2009-10 academic year, the trustees of the technical colleges are authorized to increase building fees by four cents per clock hour and by sixty-two cents per credit hour. For the 2010-11 academic year, the trustees are authorized to increase building fees by four cents per clock hour and by sixty-nine cents per credit hour. The purpose of these increases is to progress toward parity with the building fees charged students attending the community colleges.

(6) The state board is authorized to increase the maximum allowable services and activities fee as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(7) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.

(8) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(9) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

**NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2010). . . . .	\$620,071,000
General Fund--State Appropriation (FY 2011). . . . .	\$642,509,000
General Fund--Federal Appropriation. . . . .	\$17,171,000
Education Legacy Trust Account--State Appropriation. . . . .	\$95,125,000
TOTAL APPROPRIATION. . . . .	\$1,374,876,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,761,000 of the general fund--state appropriation for fiscal year 2010 and \$28,761,000 of the general fund--state appropriation for fiscal year 2011 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2010 and at least 6,200 full-time equivalent students in fiscal year 2011.

(2) \$2,725,000 of the general fund--state appropriation for fiscal year 2010 and \$2,725,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) Of the amounts appropriated in this section, \$3,500,000 is provided solely for the student achievement initiative.

(4) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(5) Within the board's 2009-11 biennial budget allocation to Bellevue College, and pursuant to RCW 28B.50.810, the college may implement, on a tuition and fee basis, an additional applied baccalaureate degree in interior design. This program is intended to provide students with additional opportunities to earn baccalaureate degrees and to respond to emerging job and economic growth opportunities. The program reviews and approval decisions required by RCW 28B.50.810 (3) and (4) shall be completed by July 31, 2009, so that the degree may be offered during the 2009-10 academic year.

(6) In accordance with the recommendations of the higher education coordinating board's 2008 *Kitsap region higher education center study*, the state board shall facilitate development of university centers by allocating thirty 2-year and 4-year partnership full-time enrollment equivalencies to Olympic College and ten 2-year and 4-year partnership full-time enrollment equivalencies to Peninsula College. The colleges shall use the allocations to establish a partnership with a baccalaureate university or universities for delivery of upper division degree programs in the Kitsap region. The Olympic and Peninsula Community College districts shall additionally work together to ensure coordinated development of these and other future baccalaureate opportunities through coordinated needs assessment, planning, and scheduling.

(7) By September 1, 2009, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management shall review and to the extent necessary revise current 2009-11 performance measures and targets based on the level of state, tuition, and other resources appropriated or authorized in this act and in the omnibus 2009-11 omnibus capital budget act. The boards and the office of financial management shall additionally develop new performance targets for the 2011-13 and the 2013-15 biennia that will guide and measure the community and technical college system's contributions to achievement of the state's higher education master plan goals.

(8) \$2,250,000 of the general fund--state appropriation for fiscal year 2010 and \$2,250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the hospital employee education and training program under which labor, management, and college partnerships develop or expand and evaluate training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care occupations. The board shall report student progress, outcomes, and costs to the relevant fiscal and policy committees of the legislature by November 2009 and November 2010.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) \$1,112,000 of the general fund--state appropriation for fiscal year 2010 and \$1,113,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the state board to enhance online distance learning and open courseware technology. Funds shall be used to support open courseware, open textbooks, open licenses to increase access, affordability and quality of courses in higher education. The state board for community and technical colleges shall select the most appropriate courses to support open courseware based solely upon criteria of maximizing the value of instruction and reducing costs of textbooks and other instructional materials for the greatest number of students in higher education, regardless of the type of institution those students attend.

**NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2010). . . . .	\$269,552,000
General Fund--State Appropriation (FY 2011). . . . .	\$297,130,000
General Fund--Federal Appropriation. . . . .	\$24,730,000

Education Legacy Trust Account--State Appropriation.....	\$54,408,000
Accident Account--State Appropriation.....	\$6,712,000
Medical Aid Account--State Appropriation.....	\$6,524,000
Biotoxin Account--State Appropriation.....	\$450,000
TOTAL APPROPRIATION.....	\$659,506,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for forestry research by the Olympic natural resources center.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the William D. Ruckelshaus center for facilitation, support, and analysis to support the nurse staffing steering committee in its work to apply best practices related to patient safety and nurse staffing.

(5) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$54,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the University of Washington geriatric education center to provide a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$52,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the center for international trade in forest products in the college of forest resources.

**NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2010).....	\$178,578,000
General Fund--State Appropriation (FY 2011).....	\$196,163,000
General Fund--Federal Appropriation.....	\$15,772,000
Education Legacy Trust Account--State Appropriation.....	\$34,696,000
TOTAL APPROPRIATION.....	\$425,209,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) When implementing reductions for fiscal year 2010 and fiscal year 2011, Washington State University shall minimize reductions to extension services and agriculture extension services. Agriculture extension includes:

(a) Faculty with extension appointments working within the following departments in the college of agricultural, human, and natural resource sciences with extension appointments: Animal sciences, crop and soil sciences, entomology, horticulture, and plant pathology;

(b) The portion of county extension educators' appointments assigned to the "agricultural programs" area;

(c) Staff with extension appointments and extension operating allocations located at the irrigated agriculture research and extension center (Prosser), northwest Washington research and extension center (Mt. Vernon), and tree fruit research and extension center (Wenatchee); and

(d) Extension contributions to the center for precision agricultural systems, center for sustaining agriculture and natural resources, and the agriculture weather network.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for research related to honeybee colony collapse disease.

**NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2010).....	\$34,685,000
General Fund--State Appropriation (FY 2011).....	\$40,796,000
General Fund--Federal Appropriation.....	\$5,522,000
Education Legacy Trust Account--State Appropriation.....	\$16,087,000
TOTAL APPROPRIATION.....	\$97,090,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the northwest autism center.

**NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2010).	\$30,284,000
General Fund--State Appropriation (FY 2011).	\$37,580,000
General Fund--Federal Appropriation.	\$6,975,000
Education Legacy Trust Account--State Appropriation.	\$19,076,000
<b>TOTAL APPROPRIATION.</b>	<b>\$93,915,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2010).	\$20,512,000
General Fund--State Appropriation (FY 2011).	\$22,865,000
General Fund--Federal Appropriation.	\$2,366,000
Education Legacy Trust Account--State Appropriation.	\$5,450,000
<b>TOTAL APPROPRIATION.</b>	<b>\$51,193,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the college shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) At least \$100,000 of the general fund--state appropriation for fiscal year 2010 and at least \$100,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the labor education and research center.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state institute for public policy to report to the legislature regarding efficient and effective programs and policies. The report shall calculate the return on investment to taxpayers from evidence-based prevention and intervention programs and policies that influence crime, K-12 education outcomes, child maltreatment, substance abuse, mental health, public health, public assistance, employment, and housing. The institute for public policy shall provide the legislature with a comprehensive list of programs and policies that improve these outcomes for children and adults in Washington and result in more cost-efficient use of public resources. The institute shall submit interim reports by December 15, 2009, and October 1, 2010, and a final report by June 30, 2011. The institute may receive additional funds from a private organization for the purpose of conducting this study.

(5) To the extent federal or private funding is available for this purpose, the Washington state institute for public policy and the center for reinventing public education at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state. The department of retirement systems shall facilitate researchers' access to necessary individual-level data necessary to effectively conduct the study. The researchers shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings shall be completed by November 15, 2010, and a final report shall be submitted to the governor and to the relevant committees of the legislature by October 15, 2011.

(6) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the Washington center for undergraduate education.

(7) \$15,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to examine the need for and methods to increase the availability of nonfood items, such as personal hygiene supplies, soaps, paper products, and other items, to needy persons in the state. The study shall examine existing private and public programs that provide such products, and develop recommendations for the most cost-effective incentives for private and public agencies to increase local distribution outlets and local and regional networks of supplies. A final report shall be delivered to the legislature and the governor by December 1, 2009.

(8) \$17,000 of the general fund--state appropriation for fiscal year 2010 and \$42,000 of the general fund--state appropriation for fiscal year 2011 are provided to the Washington state institute for public policy to implement Second Substitute House Bill No. 2106 (child welfare outcomes). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$23,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5882 (racial disproportionality). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute of public policy to evaluate the adequacy of and access to financial aid and independent living programs for youth in foster care. The examination shall include opportunities to improve efficiencies within these programs. The institute shall report its findings by December 1, 2009.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to conduct an assessment of the general assistance unemployable program and other similar programs. The assessment shall include a review of programs in other states that provide similar services and will include recommendations on promising approaches that both improve client outcomes and reduce state costs. A report is due by December 1, 2009.

(12) To the extent funds are available, the Washington state institute for public policy is encouraged to continue the longitudinal analysis of long-term mental health outcomes directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

**NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2010). . . . .	\$43,141,000
General Fund--State Appropriation (FY 2011). . . . .	\$52,752,000
General Fund--Federal Appropriation. . . . .	\$8,885,000
Education Legacy Trust Account--State Appropriation. . . . .	\$13,036,000
TOTAL APPROPRIATION. . . . .	\$117,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

**NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2010). . . . .	\$6,611,000
General Fund--State Appropriation (FY 2011). . . . .	\$6,203,000
General Fund--Federal Appropriation. . . . .	\$4,352,000
TOTAL APPROPRIATION. . . . .	\$17,166,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the funds appropriated in this section, the higher education coordinating board shall complete a system design planning project that defines how the current higher education delivery system can be shaped and expanded over the next ten years to best meet the needs of Washington citizens and businesses for high quality and accessible post-secondary education. The board shall propose policies and specific, fiscally feasible implementation recommendations to accomplish the goals established in the *2008 strategic master plan for higher education*. The project shall specifically address the roles, missions, and instructional delivery systems both of the existing and of proposed new components of the higher education system; the extent to which specific academic programs should be expanded, consolidated, or discontinued and how that would be accomplished; the utilization of innovative instructional delivery systems and pedagogies to reach both traditional and nontraditional students; and opportunities to consolidate institutional administrative functions. The study recommendations shall also address the proposed location, role, mission, academic program, and governance of any recommended new campus, institution, or university center. During the planning process, the board shall inform and actively involve the chairs from the senate and house of representatives committees on higher education, or their designees. The board shall report the findings and recommendations of this system design planning project to the governor and the appropriate committees of the legislature by December 1, 2009.

(2) \$146,000 of the general fund--state appropriation for fiscal year 2010 and \$65,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to administer Engrossed Second Substitute House Bill No. 2021 (revitalizing student financial aid). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) \$227,000 of the general fund--state appropriation for fiscal year 2010 and \$11,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Engrossed Second Substitute House Bill No. 1946 (regarding higher education online technology). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2010 and \$400,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to contract with the Pacific Northwest university of health sciences

to conduct training and education of health care professionals to promote osteopathic physician services in rural and underserved areas of the state.

**NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2010).	\$204,332,000
General Fund--State Appropriation (FY 2011).	\$229,711,000
General Fund--Federal Appropriation.	\$13,124,000
Education Legacy Trust Account--State Appropriation.	\$88,062,000
TOTAL APPROPRIATION.	\$535,229,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$191,704,000 of the general fund--state appropriation for fiscal year 2010, \$232,929,000 of the general fund--state appropriation for fiscal year 2011, \$80,190,000 of the education legacy trust account appropriation, and \$2,446,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including up to a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. State need grant, Washington award for vocational excellence, and state work study awards shall be adjusted to offset the cost of the resident undergraduate tuition increases authorized under this act. The Washington scholars program shall provide awards sufficient to offset ninety percent of the total tuition and fee award.

(2)(a) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(b) Grant awards for students at private four-year colleges shall be set at the same level as the student would receive if attending one of the public research universities.

(3) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is for the future teacher scholarship and conditional loan program. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary schools and classrooms.

(4) \$3,872,000 of the education legacy trust account--state appropriation is provided solely for the passport to college scholarship program. Funds are provided for student scholarships, provider training, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services.

(5) \$1,250,000 of the general fund--state appropriation for fiscal year 2010 and \$1,250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the health professional scholarship and loan program. The funds provided in this subsection shall be: (a) Prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) allocated between loan repayments and scholarships proportional to current program allocations.

(6) For fiscal year 2010 and fiscal year 2011, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(7) \$246,000 of the general fund--state appropriation for fiscal year 2010 and \$246,000 of the general fund--state appropriation for fiscal year 2011 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for state need grants provided to students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Total state expenditures on this program shall not exceed the amounts provided in this subsection.

(9) \$3,000,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

**NEW SECTION. Sec. 614. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2010).	\$1,587,000
General Fund--State Appropriation (FY 2011).	\$1,556,000
General Fund--Federal Appropriation.	\$54,262,000
TOTAL APPROPRIATION.	\$57,405,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund--federal appropriation for fiscal year 2010 and \$88,000 of the general fund--federal appropriation for fiscal year 2011 are provided solely for implementation of Second Substitute House Bill No. 1355 (opportunity internships). Of these amounts, \$82,000 for fiscal year 2010 and \$28,000 for fiscal year 2011 are to be contracted to the higher education coordinating board for administration of state need grant program coordination and for enhancement of existing administration and tracking tools to accommodate opportunity internship students eligible for state need grants. It is expected that the federal funds appropriated in this subsection shall be from among the workforce investment act statewide discretionary funds available for projects in support of disadvantaged youth. If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 615. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2010).	\$1,598,000
General Fund--State Appropriation (FY 2011).	\$1,611,000
TOTAL APPROPRIATION.	\$3,209,000

**NEW SECTION. Sec. 616. FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2010).	\$60,478,000
General Fund--State Appropriation (FY 2011).	\$61,045,000
General Fund--Federal Appropriation.	\$244,859,000
TOTAL APPROPRIATION.	\$366,382,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$55,696,000 of the general fund--state appropriation for fiscal year 2010 and \$55,696,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for early childhood education and assistance program services. This appropriation temporarily reduces the number of slots for the 2009-11 fiscal biennium for the early childhood education and assistance program. The department shall reduce slots where providers serve both federal headstart and early childhood education and assistance program children, to the greatest extent possible, in order to achieve no reduction of slots across the state. The amounts in this subsection also reflect reductions to the administrative expenditures for the early childhood education and assistance program. The department shall reduce administrative expenditures, to the greatest extent possible, prior to reducing early childhood education and assistance program slots. Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(2) \$1,000,000 of the general fund--federal appropriation is provided to the department to contract with Thrive by Five, Washington for a pilot project for a quality rating and improvement system to provide parents with information they need to choose quality child care and education programs and to improve the quality of early care and education programs. The department in collaboration with Thrive by Five shall operate the pilot projects in King, Yakima, Clark, Spokane, and Kitsap counties. The department shall use child care development fund quality money for this purpose.

(3) \$425,000 of the general fund--state appropriation for fiscal year 2010, \$425,000 of the general fund--state appropriation for fiscal year 2011, and \$850,000 of the general fund--federal appropriation are provided solely for child care resource and referral network services. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(4) \$750,000 of the general fund--state appropriation for fiscal year 2010, \$750,000 of the general fund--state appropriation for fiscal year 2011, and \$1,500,000 of the general fund--federal appropriation are provided solely for the career and wage ladder program created by chapter 507, Laws of 2005. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(5) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to work with stakeholders and the office of the superintendent of public instruction to identify and test a kindergarten assessment process and tools in geographically diverse school districts. School districts may participate in testing the kindergarten assessment process on a voluntary basis. The department shall report to the legislature on the kindergarten assessment process not later than January 15, 2011. Expenditure of amounts provided in this subsection is contingent on receipt of an equal match from private sources. As matching funds are made available, the department may expend the amounts provided in this subsection.

(6) \$1,600,000 of the general fund--federal appropriation is provided solely for the department to fund programs to improve the quality of infant and toddler child care through training, technical assistance, and child care consultation.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Substitute House Bill No. 1329 (child care center collective bargaining). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.



(10) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

(11) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(12) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

**NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2010).	\$5,902,000
General Fund--State Appropriation (FY 2011).	\$5,908,000
General Fund--Private/Local Appropriation..	\$1,928,000
<b>TOTAL APPROPRIATION..</b>	<b>\$13,738,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund-- private/local appropriation is provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2010).	\$8,592,000
General Fund--State Appropriation (FY 2011).	\$8,656,000
General Fund--Private/Local Appropriation..	\$526,000
<b>TOTAL APPROPRIATION..</b>	<b>\$17,774,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--private/local appropriation is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1879 (deaf and hard of hearing). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 619. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2010).	\$1,876,000
General Fund--State Appropriation (FY 2011).	\$1,883,000
General Fund--Federal Appropriation.	\$1,923,000
General Fund--Private/Local Appropriation..	\$1,054,000
<b>TOTAL APPROPRIATION..</b>	<b>\$6,736,000</b>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**NEW SECTION. Sec. 620. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2010).	\$2,592,000
General Fund--State Appropriation (FY 2011).	\$2,636,000
<b>TOTAL APPROPRIATION..</b>	<b>\$5,228,000</b>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**NEW SECTION. Sec. 621. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2010).	\$1,612,000
General Fund--State Appropriation (FY 2011).	\$1,655,000
<b>TOTAL APPROPRIATION..</b>	<b>\$3,267,000</b>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2010).	\$854,991,000
General Fund--State Appropriation (FY 2011).	\$901,265,000
State Building Construction Account--State Appropriation.	\$11,707,000
Columbia River Basin Water Supply Development Account-- State Appropriation.	\$92,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation.	\$11,000
State Taxable Building Construction Account--State Appropriation.	\$1,136,000
Gardner-Evans Higher Education Construction Account-- State Appropriation.	\$260,000
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation.	\$2,619,000
TOTAL APPROPRIATION.	\$1,772,081,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the debt-limit general fund bond retirement account by June 30, 2010.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account--State Appropriation.	\$14,543,000
Accident Account--State Appropriation.	\$5,171,000
Medical Aid Account--State Appropriation.	\$5,171,000
TOTAL APPROPRIATION.	\$24,885,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2010).	\$26,463,000
General Fund--State Appropriation (FY 2011).	\$27,811,000
School Construction and Skill Centers Building Account--State Appropriation.	\$477,000
Nondebt-Limit Reimbursable Bond Retirement Account-- State Appropriation.	\$141,507,000
TOTAL APPROPRIATION.	\$196,258,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2010.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2010).	\$1,357,000
General Fund--State Appropriation (FY 2011).	\$1,357,000
State Building Construction Account--State Appropriation.	\$1,273,000
Columbia River Basin Water Supply Development Account--State Appropriation.	\$6,000
Hood Canal Aquatic Rehabilitation Bond Account-- State Appropriation.	\$1,000
State Taxable Building Construction Account--State Appropriation.	\$72,000
Gardner-Evans Higher Education Construction Account--State Appropriation.	\$18,000
School Construction and Skill Centers Building Account--State Appropriation.	\$30,000
TOTAL APPROPRIATION.	\$4,114,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY**

General Fund--State Appropriation (FY 2010).	\$4,000,000
General Fund--State Appropriation (FY 2011).	\$4,000,000
TOTAL APPROPRIATION.	\$8,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- DISASTER RESPONSE ACCOUNT**

General Fund--State Appropriation (FY 2010).	\$14,558,000
General Fund--State Appropriation (FY 2011).	\$15,087,000
<b>TOTAL APPROPRIATION.</b>	<b>\$29,645,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account. \$5,000,000 of the appropriation is provided for emergency fire suppression by the department of natural resources.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EMERGENCY FUND**

General Fund--State Appropriation (FY 2010).	\$850,000
General Fund--State Appropriation (FY 2011).	\$850,000
<b>TOTAL APPROPRIATION.</b>	<b>\$1,700,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 708. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT-- COUNTY PUBLIC HEALTH ASSISTANCE**

General Fund--State Appropriation (FY 2010).	\$24,000,000
General Fund--State Appropriation (FY 2011).	\$24,000,000
<b>TOTAL APPROPRIATION.</b>	<b>\$48,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

<b>Health District</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2010-11 Biennium</b>
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,596	\$237,191
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545

Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
<b>TOTAL APPROPRIATIONS</b>	<b>\$24,000,000</b>	<b>\$24,000,000</b>	<b>\$48,000,000</b>

**NEW SECTION. Sec. 709. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2009, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2010)	\$51,500,000
General Fund--State Appropriation (FY 2011)	\$54,300,000
<b>TOTAL APPROPRIATION</b>	<b>\$105,800,000</b>

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2010)	\$11,570,000
General Fund--State Appropriation (FY 2011)	\$12,860,000
<b>TOTAL APPROPRIATION</b>	<b>\$24,430,000</b>

**NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2010)	\$8,000,000
General Fund--State Appropriation (FY 2011)	\$8,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$16,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- WATER POLLUTION CONTROL REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2010)	\$4,600,000
General Fund--State Appropriation (FY 2011)	\$4,600,000
<b>TOTAL APPROPRIATION</b>	<b>\$9,200,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the water pollution control revolving account.

**NEW SECTION. Sec. 713. INCENTIVE SAVINGS--FY 2010.** The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2010, from the total amount of unspent fiscal year 2010 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed one hundred million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 714. INCENTIVE SAVINGS--FY 2011.** The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2011, from the total amount of unspent fiscal year 2011 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed one hundred million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- COUNTY SUBSTANCE ABUSE PROGRAMS**

General Fund--State Appropriation (FY 2010). . . . . \$1,300,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- SMALL AGENCY TECHNOLOGY POOL**

General Fund--State Appropriation (FY 2010). . . . . \$250,000  
 General Fund--State Appropriation (FY 2011). . . . . \$250,000  
 TOTAL APPROPRIATION. . . . . \$500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the data processing revolving account for the small agency technology pool.

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CAPITOL BUILDING CONSTRUCTION ACCOUNT**

General Fund--State Appropriation (FY 2010). . . . . \$2,312,000  
 General Fund--State Appropriation (FY 2011). . . . . \$3,615,000  
 TOTAL APPROPRIATION. . . . . \$5,927,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the capitol building construction account.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- TRANSITIONAL HOUSING OPERATING AND RENT ACCOUNT**

Home Security Fund--State Appropriation. . . . . \$7,000,000  
 Washington Housing Trust Account--State Appropriation. . . . . \$1,500,000  
 TOTAL APPROPRIATION. . . . . \$8,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the transitional housing operating and rent account.

**NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- O'BRIEN BUILDING IMPROVEMENT**

General Fund--State Appropriation (FY 2010). . . . . \$1,435,000  
 General Fund--State Appropriation (FY 2011). . . . . \$1,435,000  
 TOTAL APPROPRIATION. . . . . \$2,870,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the general administration services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2010). . . . . \$400,000  
 General Fund--State Appropriation (FY 2011). . . . . \$400,000  
 Special Account Retirement System Contribution Increase Revolving Account Appropriation. . . . . \$1,000,000  
 TOTAL APPROPRIATION. . . . . \$1,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations and public school funding allocations to reflect increased employer contribution rates in the public employees' retirement system and the school employees' retirement system as a result of the provisions of Substitute Senate Bill No. 6157 (calculating compensation for public retirement purposes). If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.

(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT**

General Fund--State Appropriation (FY 2010). . . . . \$350,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the community preservation and development authority account.

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- VETERANS INNOVATIONS PROGRAM ACCOUNT**

General Fund--State Appropriation (FY 2010). . . . . \$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the veterans innovations program account.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions. . . . .	\$8,268,000
General Fund Appropriation for public utility district excise tax distributions. . . . .	\$48,771,000
General Fund Appropriation for prosecuting attorney distributions.. . . .	\$6,281,000
General Fund Appropriation for boating safety and education distributions. . . . .	\$4,854,000
General Fund Appropriation for other tax distributions.. . . .	\$50,000
General Fund Appropriation for habitat conservation program distributions.. . . .	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies.. . . .	\$2,544,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution. . . . .	\$170,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties. . . . .	\$69,288,000
County Criminal Justice Assistance Appropriation. . . . .	\$66,374,000
Municipal Criminal Justice Assistance Appropriation. . . . .	\$25,622,000
City-County Assistance Account Appropriation for local government financial assistance distribution. . . . .	\$28,564,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution. . . . .	\$50,950,000
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes. . . . .	\$65,038,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.. . . .	\$7,308,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians.. . . .	\$4,676,000
Liquor Revolving Account Appropriation for liquor profits distribution.. . . .	\$80,435,000
Liquor Revolving Account Appropriation for additional liquor profits distribution to local governments. . . . .	\$18,677,000
<b>TOTAL APPROPRIATION.. . . .</b>	<b>\$490,870,000</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation. . . . . \$2,351,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2009-11 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account Appropriation. . . . . \$1,543,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2009-11 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal flood control funds distribution. . . . .	\$70,000
General Fund Appropriation for federal grazing fees distribution. . . . .	\$2,296,000
Forest Reserve Fund Appropriation for federal forestreserve fund distribution. . . . .	\$85,200,000
TOTAL APPROPRIATION. . . . .	\$87,566,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS.**

State Treasurer's Service Account: For transfer to the state general fund, \$10,400,000 for fiscal year 2010 and \$10,400,000 for fiscal year 2011. . . . .	\$20,800,000
Waste Reduction, Recycling and Litter Control Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$2,000,000 for fiscal year 2011. . . . .	\$4,000,000
State Toxics Control Account: For transfer to the state general fund, \$15,340,000 for fiscal year 2010 and \$14,400,000 for fiscal year 2011. . . . .	\$29,740,000
Local Toxics Control Account: For transfer to the state general fund, \$37,060,000 for fiscal year 2010 and \$36,000,000 for fiscal year 2011. . . . .	\$73,060,000
Education Construction Account: For transfer to the state general fund, \$93,362,000 for fiscal year 2010 and \$100,401,000 for fiscal year 2011. . . . .	\$193,763,000
Aquatics Lands Enhancement Account: For transfer to the state general fund, \$5,050,000 for fiscal year 2010 and \$5,050,000 for fiscal year 2011. . . . .	\$10,100,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account. . . . .	\$28,600,000
Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$2,500,000 for fiscal year 2011. . . . .	\$5,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed by more than \$26,000,000 the actual amount of the annual payment to the tobacco settlement account. . . . .	\$204,098,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed \$26,000,000 less than the actual amount of the strategic contribution supplemental payment to the tobacco settlement account. . . . .	\$39,170,000
General Fund: For transfer to the streamline sales and use tax account, \$31,447,000 for fiscal year 2010 and \$33,591,000 for fiscal year 2011. . . . .	\$65,038,000
State Convention and Trade Center Account: For transfer to the state convention and trade center operations account, \$1,000,000 for fiscal year 2010 and \$3,100,000 for fiscal year 2011. . . . .	\$4,100,000
State Convention and Trade Center Account: For transfer to the state general fund, \$11,000,000 in fiscal year 2010 and \$11,000,000 in fiscal year 2011. . . . .	\$22,000,000
Tobacco Prevention and Control Account: For transfer to the state general fund for fiscal year 2010. . . . .	\$1,961,000
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2010. . . . .	\$500,000
Judicial Information Systems Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$2,500,000 for fiscal year 2011. . . . .	\$5,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund for fiscal year 2011. . . . .	\$1,500,000
State Emergency Water Projects Account: For transfer to the state general fund, \$390,000 for fiscal year 2011. . . . .	\$390,000
The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$5,550,000 for fiscal year 2010 and \$5,550,000 for fiscal year 2011. . . . .	\$11,100,000
Energy Freedom Account: For transfer to the state general fund, \$2,978,000 for fiscal year 2010 and \$2,978,000 for fiscal year 2011. . . . .	\$5,956,000
Thurston County Capital Facilities Account: For transfer to the state general fund, \$4,194,000 for fiscal year 2010 and \$4,194,000 for fiscal year 2011. . . . .	\$8,388,000
Public Works Assistance Account: For transfer to the state general fund, \$184,000,000 for fiscal year 2010 and \$184,000,000 for fiscal year 2011. . . . .	\$368,000,000
Budget Stabilization Account: For transfer to the state general fund for fiscal year 2010. . . . .	\$45,130,000
Liquor Revolving Account: For transfer to the state general fund, \$31,000,000 for fiscal year 2010 and \$31,000,000 for fiscal year 2011. . . . .	\$62,000,000
Public Works Assistance Account: For transfer to the city-county assistance account, \$5,000,000 on July 1, 2009, and \$5,000,000 on July 1, 2010. . . . .	\$10,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$4,000,000 for fiscal year 2010 and \$4,000,000 for fiscal year 2011. . . . .	\$8,000,000
Flood Control Assistance Account: For transfer to the state general fund for fiscal year 2010. . . . .	\$2,000,000
Performance Audits of Government Account: For transfer to the state general fund, \$22,120,000 in fiscal year 2010 and \$7,120,000 in fiscal year 2011. . . . .	\$29,240,000

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2007-2009 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 903.** (1) The legislature intends to continue the work that began in 2007 with the creation of the information technology work group.

(2) The vice-chair of the house ways and means committee, the chair of the general government appropriations committee, and the respective ranking minority members of these two committees shall convene a work group with representation that includes other interested legislators from the house of representatives and the senate, and representatives of the office of the governor, the office of financial management, the department of information services, state agency chief information officers, and the technology sector.

(3) The work group will:

- (a) Review the findings and recommendations of the 2008-2009 state information technology study;
- (b) Consider how to implement some or all of the study's recommendations; and



(c) Consider ways the state may improve the administration and coordination of state information technology and achieve budgetary efficiencies.

(4) Staff support for the work group shall be provided by the house of representatives office of program research and the senate committee services to the extent senators participate in the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the work group shall be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The work group may report its findings and recommendations, if any, in the form of draft legislation.

**NEW SECTION. Sec. 904. INFORMATION TECHNOLOGY ENTERPRISE SERVICES.** Agencies may make use of the department of information services when acquiring information technology services, products, and assets.

"Information technology services" means the acquisition, provisioning, or approval of hardware, software, and purchased or personal services provided by the department of information services.

If an information technology enterprise service is provided by the department, or an agency has a specific requirement to acquire hardware, software, or purchased or personal services directly, the agency shall consult with the department of information services.

**NEW SECTION. Sec. 905. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 906. CENTRAL SERVICES.** The governor shall convene a work group consisting of representatives from the central service agencies and their clients to collaborate on methods for providing commonly needed services to state agencies, including, but not limited to: Human resource management, employee benefits, payroll, accounting, purchasing, information technology, real estate services, facility management, building and grounds maintenance, fleet management, printing services, and office mail distribution. The work group should consider the experience of other states and large organizations and should identify opportunities to improve service delivery and reduce costs, including, but not limited to:

- (1) Simplifying processes and gaining efficiencies;
- (2) Using a shared, common service model;
- (3) Centralizing services or activities which may lead to consolidating or eliminating existing programs or state agencies; and
- (4) Revising agencies' authority or governance structures.

The work group shall submit a proposal that improves the delivery of central services to state agencies, including changes to the current governance structure, organizational changes that improves and simplifies service delivery, and any statutory changes that may be necessary to the governor by October 1, 2009.

**NEW SECTION. Sec. 907. NATURAL RESOURCES ORGANIZATIONS.** The governor shall convene a work group consisting of representatives from the natural resource agencies. The work group shall consider the experience of other states and their organizational structures to identify consolidation opportunities to improve service delivery and reduce costs. The work group shall submit a comprehensive written recommendation to the governor and the office of financial management by September 1, 2009.

**NEW SECTION. Sec. 908. PUGET SOUND PROTECTION AND RESTORATION.** Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that expenditures are either in, or consistent with, the 2020 action agenda.

**NEW SECTION. Sec. 909. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 910. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest

including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 911. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 912. VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSHIFTING INCENTIVES.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement, separation, and/or downshifting incentive program that is cost neutral or results in cost savings over a two year period following the commencement of the program, provided that such a program is approved by the director of financial management.

Agencies participating in this authorization may offer voluntary retirement, separation, and/or downshifting incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the department of personnel and the department of retirement systems. The options may include, but are not limited to, financial incentives for: Voluntary separation or retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. An employee does not have a contractual right to a financial incentive offered pursuant to this section.

Offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems. Agencies are required to submit a report by June 30, 2011, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2009-11 biennium.

**NEW SECTION. Sec. 913. ADMINISTRATIVE REDUCTIONS.** (1) The appropriations in this act reflect significant reductions in the appropriations for the administrative expenses of state government. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. Agencies shall review their management costs and reduce expenditures on salaries and benefits for management positions as part of these administrative reductions.

(2) To the extent permitted by the applicable personnel system rules, and to the extent collectively bargained with represented employees where applicable, the agencies and institutions of state government are encouraged to achieve the reductions in full-time-equivalent employment and payroll levels necessary to operate within these appropriations through strategies that will minimize impacts on employees, their families, their communities, and short- and long-term accomplishment of the agency's mission. Agencies are encouraged to use strategies such as reduced work-hours per day or week, voluntary leave without pay, and temporary furloughs that enable employees to maintain permanent employment status. Agencies are further encouraged to implement such strategies in ways that will enable employees to maintain full insurance benefits, full accrual of retirement service credit, and a living wage.

**NEW SECTION. Sec. 914. COMPENSATION—INSURANCE BENEFITS.** Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, including institutions of higher education and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011 the monthly employer funding rate shall not exceed \$768 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2010, through the remainder of the 2009-11 fiscal biennium, the subsidy shall be \$182.89.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$59.59 per month beginning September 1, 2009, and \$64.90 beginning September 1, 2010;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$59.59 each month beginning September 1, 2009, and \$64.90 beginning September 1, 2010, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the

part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 915. COMPENSATION—REVISE PENSION CONTRIBUTION RATES.** The appropriations for school districts and state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from changes to pension funding as provided in Engrossed Substitute Senate Bill No. 6161 (actuarial funding of pension systems). If the bill is not enacted by June 30, 2009, this section shall lapse.

**NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED.** Nothing in this act or chapter 5 (ESSB 5460), Laws of 2009 prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of chapter 5, Laws of 2009 (February 18, 2009).

**NEW SECTION. Sec. 917. FIRST-TIME HOME BUYERS.** To accelerate the receipt of federal tax credits for first-time home buyers provided in the 2009 American recovery and relief act, the state housing finance commission is authorized to obtain services from a qualified public depository. The housing finance commission and the state treasurer are further authorized to enter into an agreement with the selected public depository to receive an off-setting deposit of up to \$25,000,000 in state funds. The off-setting deposit shall be made at market rates. Deposit can only be made from May 1, 2009, until the expiration of the federal tax credit if an established account with a minimum value of \$400,000, at least \$200,000 of which must be cash, exists to finance first losses, and funds are used consistent with federal requirements.

**Sec. 918.** RCW 2.68.020 and 2005 c 282 s 11 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. During the 2009-2011 fiscal biennium, the legislature may transfer from the judicial information system account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 919.** RCW 28A.160.130 and 1991 c 114 s 2 are each amended to read as follows:

(1) There is created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs under RCW 28A.150.280. The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in RCW 28A.160.200 except those provided under RCW 28A.160.200~~((+))~~ (3) that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW 28A.320.300; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to RCW 28A.160.200 and 28A.150.280;

(b) Payment of conditional sales contracts as authorized in RCW 28A.335.200 or payment of obligations authorized in RCW 28A.530.080, entered into or issued for the purpose of pupil transportation vehicles;

(c) Major repairs to pupil transportation vehicles;

(d) For the 2009-2011 biennium, a school district that is wholly contained on an island and has a student enrollment greater than two hundred fifty students and fewer than five hundred and fifty students may transfer from the transportation vehicle fund to the school district's general fund such amounts as necessary for instructional costs.

The superintendent of public instruction shall adopt rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district, except as provided under subsection (2)(d) of this section.

**Sec. 920.** RCW 28B.105.110 and 2008 c 329 s 908 are each amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the ~~((2007-09))~~ 2009-2011 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

- (5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.  
 (6) Disbursements from the account shall be made only on the authorization of the board.

**Sec. 921.** RCW 35.104.060 and 2007 c 251 s 6 are each amended to read as follows:

(1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:

- (a) Sue and be sued in its own name;
- (b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;
- (c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;
- (d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;
- (e) Enter into contracts with public and private entities for research to be conducted in this state;
- (f) Delegate any of its powers and duties if consistent with the purposes of this chapter;
- (g) Exercise any other power reasonably required to implement the purposes of this chapter; and
- (h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments. During the 2009-2011 fiscal biennium, up to ten percent of the amounts received under RCW 82.14.480 may be used by a health services and sciences authority for the purposes of subsections (1)(c) and (h) of this section.

(2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

- (a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote bioscience-based economic development, and to advance new therapies and procedures to combat disease and promote public health;
  - (b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under RCW 82.14.480 and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;
  - (c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;
  - (d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;
  - (e) Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii) its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;
  - (f) Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and
  - (g) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.
- (3) The records of the authority shall be subject to audit by the office of the state auditor.

**Sec. 922.** RCW 38.52.106 and 2008 c 329 s 909 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs. During the 2007-2009 fiscal biennium, moneys in the account may also be used to support disaster response and recovery efforts associated with flood and storm damage. During the 2009-2011 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for disaster response and recovery efforts associated with flood and storm damage.

**Sec. 923.** RCW 41.48.060 and 1991 sp.s. c 13 s 112 are each amended to read as follows:

(1) There is hereby established a special account in the state treasury to be known as the OASI contribution account. Such account shall consist of and there shall be deposited in such account: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the account; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the account and all other moneys received for the account from any other source. All moneys in the account shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the account, including all moneys and property or securities belonging thereto, and may perform any and all acts

whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter. During the 2009-2011 fiscal biennium, moneys in the OASI contribution account may also be transferred into the OASI revolving fund.

(2) The OASI contribution account shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such account shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution account the custodian of the fund [account] shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution account and shall administer such account in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto.

**Sec. 924.** RCW 41.50.110 and 2008 c 329 s 911 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the 2007-2009 and 2009-2011 fiscal (~~biennium~~) biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 925.** RCW 43.03.310 and 1998 c 164 s 1 are each amended to read as follows:

(1) The citizens' commission on salaries for elected officials shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, superior courts, and district courts, and shall fix the salary for each respective position.

(2) Except as provided otherwise in RCW 43.03.305 and this section, the commission shall be solely responsible for its own organization, operation, and action and shall enjoy the fullest cooperation of all state officials, departments, and agencies.

(3) Members of the commission shall receive no compensation for their services, but shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The members of the commission shall elect a chair from among their number. The commission shall set a schedule of salaries by an affirmative vote of not less than nine members of the commission.

(5) The commission shall file its initial schedule of salaries for the elected officials with the secretary of state no later than the first Monday in June, 1987, and shall file a schedule biennially thereafter. Each such schedule shall be filed in legislative bill form, shall be assigned a chapter number and published with the session laws of the legislature, and shall be codified by the statute law committee. The signature of the chair of the commission shall be affixed to each schedule submitted to the secretary of state. The chair shall certify that the schedule has been adopted in accordance with the provisions of state law and with the rules, if any, of the commission. Such schedules shall become effective ninety days after the filing thereof, except as provided in Article XXVIII, section 1 of the state Constitution. State laws regarding referendum petitions shall apply to such schedules to the extent consistent with Article XXVIII, section 1 of the state Constitution.

(6) Before the filing of any salary schedule, the commission shall first develop a proposed salary schedule and then hold no fewer than four regular meetings as defined by chapter 42.30 RCW to take public testimony on the proposed schedule within the four months immediately preceding the filing. In the 2009-2011 fiscal biennium, the commission shall hold no more than two regular meetings as defined by chapter 42.30 RCW to take public testimony on the proposed schedule within the four months immediately preceding the filing. At the last public hearing that is held as a regular meeting on the proposed schedule, the commission shall adopt the salary schedule as originally proposed or as amended at that meeting that will be filed with the secretary of state.

(7) All meetings, actions, hearings, and business of the commission shall be subject in full to the open public meetings act, chapter 42.30 RCW.

(8) Salaries of the officials referred to in subsection (1) of this section that are in effect on January 12, 1987, shall continue until modified by the commission under this section.

**Sec. 926.** RCW 43.08.190 and 2008 c 329 s 912 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040 or 43.84.092(4). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 927.** RCW 43.09.260 and 1995 c 301 s 15 are each amended to read as follows:

(1) The examination of the financial affairs of all local governments shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all local governments shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years.

(2) During the 2009-2011 fiscal biennium, the state auditor shall conduct audits no more often than once every two years of local governments with annual general fund revenues of ten million dollars or less and no findings of impropriety for the three-year period immediately preceding the audit period. This subsection does not prohibit the state auditor from conducting audits: (a) To address suspected fraud or irregular conduct; (b) at the request of the local government governing body; or (c) as required by federal laws or regulations.

(3) The term local governments for purposes of this chapter includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

(4) The state auditor shall establish a schedule to govern the auditing of local governments which shall include: A designation of the various classifications of local governments; a designation of the frequency for auditing each type of local government; and a description of events which cause a more frequent audit to be conducted.

(5) On every such examination, inquiry shall be made as to the financial condition and resources of the local government; whether the Constitution and laws of the state, the ordinances and orders of the local government, and the requirements of the state auditor have been properly complied with; and into the methods and accuracy of the accounts and reports.

(6) A report of such examination shall be made and filed in the office of state auditor, and one copy shall be transmitted to the local government. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

(7) It shall be unlawful for any local government or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

**Sec. 928.** RCW 43.09.282 and 2008 c 328 s 6007 are each amended to read as follows:

For the purposes of centralized funding, accounting, and distribution of the costs of the audits performed on local governments by the state auditor, there is hereby created an account entitled the municipal revolving account. The state treasurer shall be custodian of the account. All moneys received by the state auditor or by any officer or employee thereof shall be deposited with the state treasurer and credited to the municipal revolving account. Only the state auditor or the auditor's designee may authorize expenditures from the account. No appropriation is required for expenditures. The state auditor shall keep such records as are necessary to detail the auditing costs attributable to the various types of local governments. ~~((During the 2007-2009 fiscal biennium, the legislature may transfer from the municipal revolving account to the Washington state heritage center account such amounts as reflect excess fund balance in the account.))~~ During the 2009-2011 fiscal biennium, the state auditor shall reduce the municipal revolving account charges for financial audits performed on local governments by five percent.

**Sec. 929.** RCW 43.09.475 and 2006 c 1 s 5 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only

the state auditor or the state auditor'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. During the 2009-2011 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as deemed to be appropriate or necessary.

**Sec. 930.** RCW 43.10.180 and 2007 c 522 s 951 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

**Sec. 931.** RCW 43.17.390 and 2005 c 384 s 4 are each amended to read as follows:

Starting ~~((no later than 2008))~~ in 2012, and at least once every three years thereafter, each agency shall apply to the Washington state quality award, or similar organization, for an independent assessment of its quality management, accountability, and performance system. The assessment shall evaluate the effectiveness of all elements of its management, accountability, and performance system, including: Leadership, strategic planning, customer focus, analysis and information, employee performance management, and process improvement. The purpose of the assessment is to recognize best practice and identify improvement opportunities.

**Sec. 932.** RCW 43.19.501 and 2008 c 328 s 6016 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department of general administration in Thurston county. For the 2007-2009 biennium, moneys in the account may be used for predesign identified in section 1037, chapter 328, Laws of 2008.

During the 2009-2011 fiscal biennium, the legislature may transfer from the Thurston county capital facilities account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 933.** RCW 43.21A.667 and 2005 c 464 s 4 are each amended to read as follows:

(1) The freshwater aquatic algae control account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the freshwater aquatic algae control account may be appropriated to the department to develop a freshwater aquatic algae control program. Funds must be expended as follows:

(a) As grants to cities, counties, tribes, special purpose districts, and state agencies to manage excessive freshwater algae, with priority for the treatment of lakes in which harmful algal blooms have occurred within the past three years; and during the 2009-2011 fiscal biennium to provide grants for sea lettuce research and removal to assist Puget Sound communities that are impacted by hyperblooms of sea lettuce; and

(b) To provide technical assistance to applicants and the public about aquatic algae control.

(3) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

**NEW SECTION. Sec. 934.** A new section is added to chapter 43.70 RCW to read as follows:

The universal vaccine purchase account is created in the custody of the state treasurer. Receipts from public and private sources for the purpose of increasing access to vaccines for children may be deposited into the account. Expenditures from the account must be used exclusively for the purchase of vaccines, at no cost to health care providers in Washington, to administer to children under nineteen years old who are not eligible to receive vaccines at no cost through federal programs. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 935.** RCW 43.79.201 and 1995 c 399 s 77 are each amended to read as follows:

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons ~~((who are mentally ill, developmentally disabled))~~ with mental illness or developmental disabilities, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community, trade, and economic development for the housing assistance program under chapter 43.185 RCW. During the 2009-2011 fiscal biennium, the legislature may transfer from the charitable, educational, penal and reformatory institutions account to the state general fund such amounts as reflect excess fund balance of the fund.

**Sec. 936.** RCW 43.79.460 and 2009 c 4 s 902 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of financial management, after consulting with the legislative fiscal committees, shall report to the treasurer the amount of savings incentives achieved. By December 1, ~~((+998))~~ 2010, and each December 1st thereafter, the office of financial management shall submit a report to the fiscal committees of the legislature on the implementation of this section. The report shall (a) evaluate the impact of this section on agency reversions and end-of-biennium expenditure patterns, and (b) itemize agency expenditures from the savings recovery account. The office of financial management is relieved from having to submit a report by December 1, 2008.

(5) For fiscal year 2009, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

**Sec. 937.** RCW 43.79.480 and 2005 c 424 s 12 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011 fiscal biennium, the legislature may transfer less than the entire strategic contribution payments.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

**Sec. 938.** RCW 43.83B.360 and 1991 sp.s. c 13 s 33 are each amended to read as follows:

The proceeds from the sale of bonds authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be deposited in the state emergency water projects revolving account, hereby created in the state treasury, and shall be used exclusively for the purposes specified in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 and for the payment of expenses incurred in the issuance and sale of such bonds. During the 2009-2011 fiscal biennium, the legislature may transfer from the state emergency water projects revolving account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 939.** RCW 43.135.045 and 2007 c 520 s 6035 and 2007 c 484 s 5 are each reenacted and amended to read as follows:

(1) The student achievement fund is hereby created in the state treasury.

(2) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance. During the 2009-2011 fiscal biennium, the legislature may transfer from the education construction fund to the state general fund such amounts as reflect the excess fund balance of the fund.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(3) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.



**Sec. 940.** RCW 43.155.050 and 2008 c 328 s 6002 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. ~~((For the 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005, for the infrastructure investment system implementation plan identified in section 1022, chapter 328, Laws of 2008; for the interest rate buy-down pilot program identified in section 1004, chapter 328, Laws of 2008; and for the housing assistance, weatherization, and affordable housing program identified in section 1005, chapter 328, Laws of 2008.))~~ During the 2009-2011 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund and the city-county assistance account such amounts as reflect the excess fund balance of the account.

(2) The job development fund is hereby established in the state treasury. ~~((Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2).))~~ Moneys in the job development fund may be spent only after appropriation. ~~((The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.))~~

**Sec. 941.** RCW 43.215.125 and 2008 c 164 s 2 are each amended to read as follows:

(1) ~~((Within existing funds))~~ For the 2009-2011 fiscal biennium, to the extent funds are appropriated for this purpose, the department shall develop a proposal for implementing a statewide Washington head start program. To the extent possible while maintaining quality standards, the proposal should align the state early childhood education and assistance program with federal head start program eligibility criteria, guidelines, performance standards, and methods/processes for ensuring continuous improvement in program quality. In this proposal, the department shall make recommendations that:

(a) Identify federal head start program guidelines, performance measures and standards, or other requirements for which state flexibility would be recommended. This shall include an analysis of how state flexibility may impact outcomes for children and how that flexibility might deviate from outcomes associated with the federal standards. Areas to be examined must include, but are not limited to, transportation requirements, service hour configurations, delivery methods, and impact on rural programs;

(b) Provide comparative data regarding child performance, readiness, and educational outcomes for Washington's existing head start and early childhood education and assistance programs;

(c) Determine the alignment between head start standards and the recommendations of Washington learns;

(d) Identify any change in the state early childhood education and assistance program laws that would be required to implement the Washington head start proposal;

(e) Identify additional resources needed to meet federal guidelines and standards. Areas to be examined must include, but are not limited to: Per-child funding levels, professional development and training needs, facilities needs, and technical assistance;

(f) Identify state early childhood education and assistance programs that do and do not offer full-day, full-year services to children, and what transition steps would be needed for these programs to operate in the same manner as federal head start programs;

(g) Provide steps for phasing-in the Washington head start proposal;

(h) Include a timeline, strategy, and funding needs to implement a statewide, state-supported early head start program as a component of the Washington head start proposal; and

(i) Detail the process the department would take with the regional office of federal head start in identifying any exceptions or waivers needed to provide flexibility and maintain high quality standards.

(2) In developing its recommendations for this proposal, the department shall seek, where appropriate and available, training or technical assistance from the appropriate regional office of federal head start in order to maximize nonstate resources that might be available for the consultative work and research involved with developing this proposal. The department also shall consult with and solicit input from:

(a) State early childhood education and assistance program providers on Indian reservations and across the state, including providers who operate solely state-supported programs;

(b) Tribal governments operating head start programs and early head start programs in the state to ensure that the needs of Indian and Alaskan native children and their families are incorporated into the recommendations of the proposal, especially as they pertain to standards or guidelines around language acquisition, school readiness, availability and need for services among Indian and Alaskan native children and their families, and curriculum development; and

(c) Providers operating migrant and seasonal head start programs in the state in order to address the needs of the children of migrant and seasonal farmworker families.

(3) The department shall make recommendations on how it would periodically review the standards and guidelines within the Washington head start program, including incorporation of the latest research and information on early childhood development as well as any new innovations that may further improve outcomes to low-income children and their families.

(4) The department's recommendations on a Washington head start proposal shall include how the proposal aligns with the department's current statutory duties. The recommendations shall also include any other options that may improve the quality of state-supported early learning programs.

(5) The department shall deliver its report to the governor and legislature by December 1, 2009.

**Sec. 942.** RCW 43.325.040 and 2007 c 348 s 305 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature.

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

(4) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(5) Subsections (2) through (4) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).

(6) During the 2009-2011 fiscal biennium, the legislature may transfer from the energy freedom account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 943.** RCW 43.330.250 and 2008 c 329 s 914 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of community, trade, and economic development and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, moneys in the account may also be transferred into the state general fund.

(5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Workforce development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility; and

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

(6) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of community, trade, and economic development or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

**Sec. 944.** RCW 46.09.170 and 2007 c 522 s 953 and 2007 c 241 s 16 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one

cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the ~~((2007-09))~~ 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources ~~((for planning and designing))~~ to install consistent off-road vehicle signage at department-managed recreation sites, and ~~((for planning))~~ to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission for maintenance and operation of parks and to improve accessibility for boaters and off-road vehicle users. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

**Sec. 945.** RCW 46.66.080 and 2007 c 199 s 27 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement. During the 2009-2011 fiscal biennium, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building.

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

**Sec. 946.** RCW 50.16.010 and 2009 c 4 s 906 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) (~~During the 2007-2009 biennium~~) Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(~~(1)(a)~~), shall be expended (~~as appropriated by the legislature for the (i) cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation~~) upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During the 2009-2011 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended by the department of social and health services as appropriated by the legislature for employment and training services and programs in the WorkFirst program, and for the administrative costs of state agencies participating in the WorkFirst program. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

**Sec. 947.** RCW 66.08.170 and 2002 c 371 s 917 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. During the ~~((2001-2003))~~ 2009-2011 fiscal biennium, the legislature may transfer funds from the liquor revolving account to the state general fund ~~((such amounts as reflect the excess fund balance of the fund and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ and may direct an additional amount of liquor profits to be distributed to local governments. Neither the transfer of funds nor the additional distribution of liquor profits to local governments during the 2009- 2011 fiscal biennium may

reduce the excess fund distributions that otherwise would occur under RCW 66.08.190. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

**Sec. 948.** RCW 67.40.040 and 2008 c 329 s 917 and 2008 c 328 s 6011 are each reenacted and amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170, and during the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the state convention and trade center account ~~((to the Washington housing trust account such amounts as reflect the excess fund balance in the account; and during the 2007-2009 biennium, the legislature may transfer from the state convention and trade center account))~~ to the general fund such amounts as reflect the excess fund balance in the account;

(iii) For acquisition, design, and construction of the state convention and trade center;

(iv) For debt service for the acquisition, design, and construction and retrofit of the museum of history and industry museum property or other future expansions of the convention center as approved by the legislature; and

(v) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended:

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended:

(5) Subject to the conditions in subsection (6) of this section, starting in fiscal year 2008, and except for the 2009-2011 fiscal biennium in which no transfers shall be made, the state treasurer shall transfer:

(a) The sum of four million dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism enterprise account, with the maximum transfer being four million dollars per fiscal year; and

(b) The sum of five hundred thousand dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism development and promotion account, with the maximum transfer being five hundred thousand dollars per fiscal year.

(6)(a) Funds required for debt service payments and reserves for bonds issued under RCW 67.40.030; for debt service authorized under RCW 67.40.170; and for the issuance and sale of financial instruments associated with the acquisition, design, construction, and retrofit of the museum of history and industry museum property or for other future expansions of the center, as approved by the legislature, shall be maintained within the state convention and trade center account.

(b) Except for during the 2009-2011 fiscal biennium, during which no reserve shall be retained, no less than six million one hundred fifty thousand dollars per year shall be retained in the state convention and trade center account for funding capital maintenance as required by the center's long-term capital plan, facility enhancements, unanticipated replacements, and operating reserves for the convention center operation. This amount shall be escalated annually as follows:

(i) Four percent for annual inflation for capital maintenance, repairs, and replacement;

(ii) An additional two percent for enhancement to the facility; and

(iii) An additional three percent for growth in expenditure due to aging of the facility and the need to maintain an operating reserve.

(c) Sufficient funds shall be reserved within the state convention and trade center account to fund operating appropriations for the annual operation of the convention center.

**Sec. 949.** RCW 67.70.190 and 2005 c 427 s 2 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, all rights to the prize shall be extinguished, and the prize shall be retained in the state lottery fund for further use as prizes, except that one-third of all unclaimed prize money shall be deposited in the economic development strategic reserve account created in RCW 43.330.250.

On July 1, 2009, June 30, 2010, and June 30, 2011, all unclaimed prize money retained in the state lottery fund in excess of three million dollars, excluding amounts distributed to the economic development strategic reserve account, shall be transferred into the state general fund.

**Sec. 950.** RCW 70.93.180 and 2005 c 518 s 939 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the ~~((2005-2007))~~ 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. For purposes of subsection (1) of this section, this transfer shall be treated as an expenditure for litter collection.

**Sec. 951.** RCW 70.105D.070 and 2008 c 329 s 921, 2008 c 329 s 920, 2008 c 329 s 919, and 2008 c 328 s 6009 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; ~~((and))~~

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150; and

(xiii) During the 2009-2011 fiscal biennium, shoreline update technical assistance.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

- (ii) Hazardous waste plans and programs under chapter 70.105 RCW;
  - (iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;
  - (iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and
  - (v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.
- (b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.
- (c) ~~(Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.~~
- ~~(d))~~ To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:
- (i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:
    - (A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;
    - (B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or
    - (C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;
  - (ii) The use of outside contracts to conduct necessary studies;
  - (iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.
- (4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.
- (5) Except during the 2009-2011 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. ((However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars.)) No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.
- (6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.
- (7) The department shall adopt rules for grant or loan issuance and performance.
- (8) During the 2007-2009 and 2009-2011 fiscal ((biennium)) biennia, the legislature may transfer from the local toxics control account to ((the state toxics control)) either the state general fund or the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.
- (9) During the ((2007-2009)) 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.
- (10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 952.** RCW 71.24.310 and 2006 c 333 s 107 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that the department and the regional support networks shall work together to implement chapter 71.05 RCW as follows:

- (1) By June 1, 2006, regional support networks shall recommend to the department the number of state hospital beds that should be allocated for use by each regional support network. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.
- (2) If there is consensus among the regional support networks regarding the number of state hospital beds that should be allocated for use by each regional support network, the department shall contract with each regional support network accordingly.
- (3) If there is not consensus among the regional support networks regarding the number of beds that should be allocated for use by each regional support network, the department shall establish by emergency rule the number of state hospital beds that are available for use by each regional support network. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the

estimated number of (~~acutely and chronically mentally ill~~) adults with acute and chronic mental illness in each regional support network area, based upon population-adjusted incidence and utilization.

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

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

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

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during calendar year 2009, implementing new services that will enable a regional support network to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

**Sec. 953.** RCW 74.08A.340 and 2008 c 329 s 922 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 43.215.545, and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 43.215.545, and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the departments of early learning and social and health services shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW, except as authorized in the omnibus appropriations act for the (~~2007-2009~~) 2009-2011 biennium.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

**Sec. 954.** RCW 74.13.621 and 2005 c 439 s 1 are each amended to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood, marriage, or adoption, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more programs or services would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor and provide consultation on the implementation of recommendations contained in the 2002 kinship care report, including but not limited to the recommendations relating to legal and respite care services and resources;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The department shall consult with the oversight committee on its efforts to better collaborate and coordinate services to benefit kinship care families.



(3) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(4) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(5) The kinship care oversight committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2006.

(6) This section expires (~~(January 1, 2010)~~) June 30, 2011.

**Sec. 955.** RCW 77.12.820 and 1997 c 422 s 5 are each amended to read as follows:

The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under RCW 77.12.810 must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. Except as otherwise provided in the omnibus appropriations act for the 2009-2011 fiscal biennium, not less than eighty percent of expenditures from the account must be used to purchase or produce pheasants. The eastern Washington pheasant enhancement account funds must not be used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting.

**Sec. 956.** RCW 77.32.010 and 2008 c 329 s 923 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the department is required to park a motor vehicle upon improved department access facilities.

(3) During the (~~(2007-09)~~) 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

**Sec. 957.** RCW 79.64.040 and 2007 c 522 s 958 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the (~~(2007-2009)~~) 2009-2011 fiscal biennium, the twenty- five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board (~~(; provided the total amount deducted does not exceed the total appropriations in the operating and capital budgets for the fiscal period. At the end of the fiscal period, any amounts deducted in excess of the appropriations shall be transferred to the appropriate beneficiary distribution accounts)~~).

**Sec. 958.** RCW 79A.25.080 and 2007 c 241 s 44 are each amended to read as follows:

(1) Moneys transferred to the recreation resource account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the office and necessary administrative and coordinative costs of the recreation and conservation funding board established by RCW 79A.25.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

~~((+))~~ (a) One share as grants to state agencies for ~~((+))~~ (i) acquisition of title to, or any interests or rights in, marine recreation land, ~~((+))~~ (ii) capital improvement and renovation of marine recreation land, including periodic dredging in accordance with subsection ~~((+))~~ (2) of this section, if needed, to maintain or make the facility more useful, or ~~((+))~~ (iii) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a)(i) or ~~((+))~~ (ii) of this subsection;

~~((+))~~ (b) One share as grants to public bodies to help finance ~~((+))~~ (i) acquisition of title to, or any interests or rights in, marine recreation land, or ~~((+))~~ (ii) capital improvement and renovation of marine recreation land, including periodic dredging in accordance with subsection ~~((+))~~ (2) of this section, if needed, to maintain or make the facility more useful. A public body is authorized to use a grant, together with its

own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a)(i) or ~~((b))~~ (ii) of this subsection. The board may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter.

~~((b))~~ (2) For the purposes of this section "periodic dredging" is limited to dredging of materials that have been deposited in a channel due to unforeseen events. This dredging should extend the expected usefulness of the facility for at least five years.

(3) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the recreation resource account to the state parks and recreation commission for maintenance and operation of parks and to improve accessibility for boaters and off-road vehicle users. This appropriation is not required to follow the specific distribution specified in subsection (1)(a) and (b) of this section.

**Sec. 959.** RCW 79.105.150 and 2008 c 299 s 28 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-11 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 960.** RCW 80.36.430 and 2004 c 254 s 2 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The department shall submit an approved annual budget for the Washington telephone assistance program to the department of revenue no later than March 1st prior to the beginning of each fiscal year. The department of revenue shall then determine the amount of telephone assistance excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telephone assistance excise tax by dividing the total of the program budget funded by the telephone assistance excise tax, as submitted by the department, by the total number of switched access lines in the prior calendar year. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

(3) The department shall enter into an agreement with the department of community, trade, and economic development for an amount not to exceed eight percent of the prior fiscal year's total revenue for the administrative and program expenses of providing community service voice mail services. The community service voice mail service may include toll-free lines in community action agencies through which recipients can access their community service voice mailboxes at no charge.

(4) During the 2009-2011 biennium, the department shall enter into an agreement with the military department for one million dollars to support the WIN 211 program.

**Sec. 961.** RCW 86.26.007 and 2005 c 518 s 947 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2009-2011

fiscal biennium, the state treasurer shall transfer two million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter.

**NEW SECTION. Sec. 962.** Section 940 of this act expires June 30, 2011.

**NEW SECTION. Sec. 963.** Section 946 of this act expires June 30, 2016.

**PART X  
GENERAL GOVERNMENT**

**Sec. 1001.** 2009 c 4 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2008) . . . . .	\$34,807,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$35,053,000)</del>
	<u>\$35,483,000</u>
Pension Funding Stabilization Account Appropriation . . . . .	\$560,000
TOTAL APPROPRIATION . . . . .	<del>(\$70,420,000)</del>
	<u>\$70,850,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

**Sec. 1002.** 2009 c 4 s 110 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2008) . . . . .	\$16,092,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$16,765,000)</del>
	<u>\$16,813,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$32,857,000)</del>
	<u>\$32,905,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).
- (2) In addition to other reductions, the reduced appropriations in this section reflect an additional \$376,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1003.** 2009 c 4 s 112 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2008) . . . . .	\$30,659,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$33,239,000)</del>
	<u>\$33,294,000</u>
Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$22,558,000
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	<del>(\$23,694,000)</del>
	<u>\$23,713,000</u>
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$3,175,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	\$3,175,000
Judicial Information Systems Account--State Appropriation . . . . .	\$40,923,000
TOTAL APPROPRIATION . . . . .	<del>(\$157,423,000)</del>
	<u>\$157,497,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after

consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$830,000 of the general fund--state appropriation for fiscal year 2008 and \$1,170,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$170,000 for fiscal year 2008 and \$170,000 for fiscal year 2009 are provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account-- state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

(9) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2008 and \$102,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(11) \$800,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2822 (family and juvenile court). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$90,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2903 (access coordinator). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) In addition to other reductions, the reduced appropriations in this section reflect an additional \$207,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(14) \$55,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the 53rd superior court judge position in King county. The amounts provided in this subsection shall be expended only if the judge is appointed and serving on the bench.

**Sec. 1004.** 2009 c 4 s 118 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2008).	\$33,863,000
General Fund--State Appropriation (FY 2009).	<del>(\$20,782,000)</del>
	<u>\$21,205,000</u>
General Fund--Federal Appropriation.	\$7,279,000
General Fund--Private/Local Appropriation.	\$132,000
Archives and Records Management Account--State Appropriation.	<del>(\$8,337,000)</del>
	<u>\$8,442,000</u>
Department of Personnel Service Account--State Appropriation.	\$760,000
Local Government Archives Account--State Appropriation.	\$15,342,000
<u>Election Account--State Appropriation.</u>	<u>\$228,000</u>
Election Account--Federal Appropriation.	\$31,511,000
Charitable Organization Education Account--State Appropriation.	\$122,000
TOTAL APPROPRIATION.	<del>(\$118,128,000)</del>
	<u>\$118,884,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,290,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,556,000 of the general fund--state appropriation for fiscal year 2008 and \$3,965,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the

contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$575,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for settlement costs and attorney fees resulting from the resolution of *Washington Association of Churches, et al. v. Reed*, United States District Court Western District of Washington at Seattle, Case No. CV06-0726RSM.

**Sec. 1005.** 2009 c 4 s 124 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2008). . . . .	\$6,262,000
General Fund--State Appropriation (FY 2009). . . . .	\$5,541,000
General Fund--Federal Appropriation. . . . .	\$3,960,000
Public Safety and Education Account--State Appropriation (FY 2008). . . . .	\$1,143,000
Public Safety and Education Account--State Appropriation (FY 2009). . . . .	\$1,228,000
New Motor Vehicle Arbitration Account--State Appropriation. . . . .	\$1,312,000
Legal Services Revolving Account--State Appropriation. . . . .	<del>(\$229,579,000)</del>
	<u>\$231,391,000</u>
Tobacco Prevention and Control Account--State Appropriation. . . . .	\$270,000
TOTAL APPROPRIATION. . . . .	<del>(\$249,295,000)</del>
	<u>\$251,107,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$110,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(7) \$346,000 of the legal services revolving account--state appropriation is provided solely for implementation of sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(8) \$492,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(9) The agency shall submit a staffing model that supports the need for increased resources due to casework associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008.

(10) The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2- 06098-5). These moneys shall be expended pursuant to legislative appropriation consistent with the terms of the consent decree.

**Sec. 1006.** 2009 c 4 s 128 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2008).	\$24,110,000
General Fund--State Appropriation (FY 2009).	<del>(\$33,485,000)</del>
	<u>\$33,835,000</u>
General Fund--Federal Appropriation.	\$23,934,000
General Fund--Private/Local Appropriation.	\$1,269,000
State Auditing Services Revolving Account--State Appropriation.	\$25,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008).	\$123,000
Economic Development Strategic Reserve Account-- State Appropriation.	\$175,000
TOTAL APPROPRIATION.	<del>(\$83,121,000)</del>
	<u>\$83,471,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation for fiscal year 2008 and \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$254,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$505,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$190,000 of the general fund--state appropriation for fiscal year 2008 and \$90,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement chapter 139, Laws of 2007 (student transportation funding) which requires development of two options for a new K-12 pupil transportation funding formula.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) \$474,000 of the general fund--state appropriation for fiscal year 2008 and \$331,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy- protected student-level data.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of financial management to establish and provide staff support for the Washington citizens' work group on health care reform, pursuant to Engrossed Substitute Senate Bill No. 6333.

(12) \$11,372,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development and implementation of the Washington assessment of student learning (WASL) and related activities and is in addition to the funding amounts provided in section 511 of this act. The funding provided in this subsection is subject to the following conditions and limitations: The office of financial management shall develop an interagency agreement with the office of the superintendent of public instruction for the expenditure of these funds

based on a quarterly allotment schedule. Before releasing funds to the office of the superintendent of public instruction each quarter, the office of financial management shall ensure compliance with this subsection. Effective with the 2009 administration of the Washington assessment of student learning, while maintaining the reliability and validity of the assessment, the office of the superintendent of public instruction shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration, reducing the number of short answer and extended response questions, and potentially decreasing the number of items utilized in the assessment, particularly in grades tested under the requirements of the federal no child left behind act. In selecting and developing the new contractual obligations for the assessment contractor beginning in fiscal year 2009, the office of the superintendent of public instruction shall preserve legislative authority to set the student learning assessment policy and potentially make minor or significant changes to that policy in the future with the least amount of adverse fiscal and other impacts to the state as possible. In doing this, the office of the superintendent of public instruction shall advise and consult with the appropriate policy and fiscal committees of the legislature and the Washington assessment of student learning work group created in this subsection. Within the amounts appropriated in this subsection, a legislative work group on the Washington assessment of student learning is established. The work group will consist of a maximum of nine members. Legislative members shall be appointed by the president of the senate and the speaker of the house of representatives and shall represent the two largest caucuses of both the senate and the house of representatives. The purpose of this work group is to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. Of the amount provided in this section, \$150,000 is provided solely for costs associated with hiring independent technical experts to advise the Washington assessment of student learning work group created in this subsection.

(13) Through prior legislation, many state activities that protect the general public by safeguarding health, safety, employees, and consumers are supported by fees assessed on items such as licensing, registration, certification, and inspections. Moreover, higher education, workforce training, and a number of other government services are supported at least in part by fees assessed on those who participate in these programs. Therefore, the office of financial management shall conduct a review and analysis of all fees for which the legislature has delegated to state agencies and institutions of higher education the ability to establish and determine the amount, either upon initial establishment or subsequent increases. Fees, as used in this subsection, has the same meaning as used in RCW 43.135.055. The objective of the review and analysis is to document the level of fees paid over the past five years, the cost of those programs over that same time period, and, to the extent available, the effectiveness of the activity in meeting its performance targets. The review and analysis shall include the following information:

- (a) Information about the program, including the statutory authority for the program, date enacted, and the parties that benefit from the program; and
- (b) Information about the program fees, including name and description of the fees, the parties that bear the cost of the fees, the methodology for determining the fees, and whether the fees directly fund the program; and
- (c) Financial related information, including an assessment of the program's fee amount assessed over the past five years, the scope of the program and related costs over the past 5 years, and whether the program's expenditures are subject to appropriation or allotment procedures under chapter 43.88 RCW; and
- (d) To the extent available, information on the program activities and related performance measures that may assist in assessing the effectiveness of the program in achieving its goals.

The office of financial management shall report its findings to the governor and the fiscal committees of the legislature by October 1, 2008.

(14) In addition to other reductions, the reduced appropriations in this section reflect an additional \$305,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1007.** 2009 c 4 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation.....	(( <del>\$32,702,000</del> ))
	<u>\$32,163,000</u>

**Sec. 1008.** 2009 c 4 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2008).....	\$98,150,000
General Fund--State Appropriation (FY 2009).....	(( <del>\$103,003,000</del> ))
	<u>\$97,782,000</u>
Timber Tax Distribution Account--State Appropriation.....	\$5,788,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	\$128,000
Waste Tire Removal Account--State Appropriation.....	\$2,000
Real Estate Excise Tax Grant Account--State Appropriation.....	\$3,000,000
State Toxics Control Account--State Appropriation.....	\$87,000
Oil Spill Prevention Account--State Appropriation.....	\$16,000
Pension Funding Stabilization Account Appropriation.....	\$2,370,000
TOTAL APPROPRIATION.....	(( <del>\$212,544,000</del> ))
	<u>\$207,323,000</u>

The appropriations in this section are subject to the following conditions and limitations:



(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, 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 department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Engrossed Substitute Senate Bill No. 6809 (working families tax exemption). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse. This subsection does not constitute approval of the exemption under section 2, chapter . . . (ESSB 6809), Laws of 2008 or authorize payments of remittances.

(5) \$22,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Second Substitute House Bill No. 3104 (domestic partnerships). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse.

(6) In addition to other reductions, the reduced appropriations in this section reflect an additional \$214,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1009.** 2009 c 4 s 140 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2008) . . . . .	\$591,000
General Fund--State Appropriation (FY 2009) . . . . .	(( <del>\$557,000</del> ))
	<u>\$783,000</u>
General Fund--Federal Appropriation . . . . .	\$3,651,000
General Administration Service Account--State Appropriation . . . . .	\$36,893,000
TOTAL APPROPRIATION . . . . .	(( <del>\$41,692,000</del> ))
	<u>\$41,918,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

(2) Within the appropriations in this section, specific funding is provided to implement Second Substitute House Bill No. 1332 (affordable housing).

(3) \$391,000 of the general administration services account--state appropriation for fiscal year 2009 is provided solely for implementation of costs associated with the planning of agency moves out of the general administration building.

(4) The department shall work with the office of financial management to develop a plan that balances revenues and expenditures for each line of business within the general administration services account. State agency rates developed for the 2009-2011 biennium must equitably

and reasonably reflect the actual cost of services provided to state agencies including the appropriate allocation of agency overhead costs. By August 31, 2008, the department shall submit to the office of financial management and the fiscal committees of the legislature financial statements for each line of business that shall inform the basis for agency rate development for the forthcoming biennium.

(5) The department shall submit a report to the office of financial management and the fiscal committees of the legislature that responds to each of the state auditor's motor pool audit recommendations by August 31, 2008. This report shall consist of recommendations that have been adopted by the department, progress made towards achieving those recommendations not yet completed, and justification for why the department is unable to fulfill any of the recommendations in the report.

**Sec. 1010.** 2009 c 4 s 143 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State Appropriation.....	(( <del>\$2,574,000</del> ))
	<u>\$2,924,000</u>

**Sec. 1011.** 2009 c 4 s 145 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2008).....	\$1,910,000
Liquor Control Board Construction and Maintenance Account--State Appropriation.....	\$13,430,000
Liquor Revolving Account--State Appropriation.....	(( <del>\$194,556,000</del> ))
	<u>\$196,556,000</u>
TOTAL APPROPRIATION.....	(( <del>\$209,896,000</del> ))
	<u>\$211,896,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

**Sec. 1012.** 2009 c 4 s 148 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2008).....	\$12,430,000
General Fund--State Appropriation (FY 2009).....	(( <del>\$11,353,000</del> ))
	<u>\$11,526,000</u>
General Fund--Federal Appropriation.....	\$129,334,000
General Fund--Private/Local Appropriation.....	\$2,000
Enhanced 911 Account--State Appropriation.....	\$42,293,000
Disaster Response Account--State Appropriation.....	(( <del>\$24,454,000</del> ))
	<u>\$27,820,000</u>
Disaster Response Account--Federal Appropriation.....	(( <del>\$86,757,000</del> ))
	<u>\$98,441,000</u>
Military Department Rent and Lease Account--State Appropriation.....	\$814,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$337,000
Nisqually Earthquake Account--State Appropriation.....	(( <del>\$556,000</del> ))
	<u>\$215,000</u>
Nisqually Earthquake Account--Federal Appropriation.....	(( <del>\$1,269,000</del> ))
	<u>\$1,382,000</u>
TOTAL APPROPRIATION.....	(( <del>\$309,599,000</del> ))
	<u>\$324,594,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$24,454,000~~)) \$27,820,000 of the disaster response account-- state appropriation and ((~~\$86,757,000~~)) \$98,441,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) ((~~\$556,000~~)) \$215,000 of the Nisqually earthquake account-- state appropriation and ((~~\$1,269,000~~)) \$1,382,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees

detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

(6) \$200,000 of the enhanced 911 account--state appropriation is provided solely for the department to recommend an appropriate funding mechanism for the implementation of next generation 911. The department shall consult with the utilities and transportation commission, the department of revenue, local governments, and representatives from companies providing telecommunications services in order to complete the report required under this subsection. The department may also consult with other public safety and medical associations in order to complete the study. The department shall submit the report to the finance committee and the technology, energy, and communications committee of the house of representatives, and the ways and means committee and the water, energy, and telecommunications committee of the senate, by December 1, 2008.

**Sec. 1013.** 2009 c 4 s 151 (uncodified) is amended to read as follows:

**FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2008) . . . . .	\$1,893,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$1,878,000)</del>
	<u>\$1,924,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$3,771,000)</del>
	<u>\$3,817,000</u>

**Sec. 1014.** 2008 c 329 s 151 (uncodified) is amended to read as follows:

**FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account--State Appropriation . . . . .	<del>(\$44,773,000)</del>
	<u>\$39,769,000</u>
State Convention and Trade Center Operating Account--State Appropriation . . . . .	\$53,750,000
TOTAL APPROPRIATION . . . . .	<del>(\$98,523,000)</del>
	<u>\$93,519,000</u>

**PART XI  
HUMAN SERVICES**

**Sec. 1101.** 2008 c 329 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social

and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal

committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county, during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2008))~~ 2009, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2008))~~ 2009 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2008))~~ 2009 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**Sec. 1102.** 2009 c 4 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$316,353,000
General Fund--State Appropriation (FY 2009).	<del>(\$338,838,000)</del>
	<u>\$340,780,000</u>
General Fund--Federal Appropriation.	<del>(\$490,314,000)</del>
	<u>\$500,718,000</u>
General Fund--Private/Local Appropriation.	\$2,187,000
Domestic Violence Prevention Account--State Appropriation.	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$3,251,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$3,254,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$2,934,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$2,934,000
Pension Funding Stabilization Account--State Appropriation.	\$2,298,000
<b>TOTAL APPROPRIATION.</b>	<del>(\$1,163,363,000)</del>
	<u>\$1,175,709,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$2,993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse- affected children.

In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,020 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, \$37,000 of the general fund--state appropriation for fiscal year 2009, and \$34,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare).

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, \$407,000 of the general fund--state appropriation for fiscal year 2009, and \$48,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$49,000 of the general fund--state appropriation for fiscal year 2008, \$24,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 384, Laws of 2007.

(23) The department shall work with the exclusive bargaining representative for the children's administration social workers to prioritize social worker tasks and devise methods by which to alleviate from the social workers' workload lower priority tasks. Discussions on methods shall include the use of contracting services and home support specialists. The department and the bargaining representative shall jointly report their efforts to the appropriate committees of the legislature by submitting a progress report no later than July 1, 2008, and a final report by November 15, 2008.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with the largest nonprofit organization in the state conducting education and outreach on RCW 13.34.360, the safety of newborn children law.

(25) \$616,000 of the general fund--state appropriation for fiscal year 2009 and \$184,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$400,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$400,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

(26) \$42,000 of the general fund--state appropriation for fiscal year 2009 and \$29,000 of the general fund--federal appropriation are provided solely for the department to implement Second Substitute Senate Bill No. 6206 (child fatality). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(27) \$857,000 of the general fund--state appropriation for fiscal year 2009 and \$140,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 3145 (foster parent licensing). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(28) \$415,000 of the general fund--state appropriation for fiscal year 2008, \$469,000 of the general fund--state appropriation for fiscal year 2009, and \$264,000 of the general fund--federal appropriation are provided solely for the hiring of staff to expedite the phase-in of the state's policy of a private and individual face-to-face visit each month with children in out-of-home care and in-home dependencies and their caregivers.

(29) \$109,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the general fund--federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(30) The appropriations in this section provide specific funds to implement Engrossed Substitute Senate Bill No. 6792 (dependency matters).

(31) \$812,000 of the general fund--state appropriation for fiscal year 2009 and \$256,000 of the general fund--federal appropriation are provided solely for the department to hire additional staff to perform child health education and tracking screens.

(32) \$1,829,000 of the general fund--state appropriation for fiscal year 2009 and \$578,000 of the general fund--federal appropriation are provided solely for the department to contract with (~~nonprofit~~) organizations to facilitate twice-monthly visits between siblings living apart from each other in out-of-home care.

(33) The department shall not close any secure crisis residential center facilities. The total number of statewide secure crisis residential center beds is reduced from 63 to 44.

**Sec. 1103.** 2009 c 4 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008).	\$87,822,000
General Fund--State Appropriation (FY 2009).	<del>(\$84,716,000)</del>
	<u>\$82,553,000</u>
General Fund--Federal Appropriation.	<del>(\$5,662,000)</del>
	<u>\$5,870,000</u>
General Fund--Private/Local Appropriation.	\$1,898,000
Reinvesting in Youth--State Appropriation.	\$1,414,000
Washington Auto Theft Prevention Authority Account-- State Appropriation.	\$171,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$21,975,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$22,078,000
Juvenile Accountability Incentive Account--Federal Appropriation.	\$2,510,000
Pension Funding Stabilization Account--State Appropriation.	\$2,200,000
<b>TOTAL APPROPRIATION.</b>	<del>(\$230,446,000)</del>
	<u>\$228,491,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$2,947,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$787,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including:

(i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**Sec. 1104.** 2009 c 4 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2008).	\$305,732,000
General Fund--State Appropriation (FY 2009).	<del>(\$308,382,000)</del>
	<u>\$298,118,000</u>
General Fund--Federal Appropriation.	<del>(\$396,996,000)</del>
	<u>\$414,136,000</u>

General Fund--Private/Local Appropriation.....	(((\$16,157,000)) \$18,732,000
TOTAL APPROPRIATION.....	(((\$1,027,267,000)) <u>\$1,036,718,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and \$122,119,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. Reductions to fiscal year 2009 allocations shall be distributed proportionally to each regional support network's percentage of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(f) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(g) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,091,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection. The department shall not terminate early any grant that was contracted under this subsection prior to January 1, 2009, for the use of funds during fiscal year 2009.

(h) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(j) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(k) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(l) \$135,000 of the general fund--state appropriation for fiscal year 2008, \$2,961,000 of the general fund--state appropriation for fiscal year 2009, and \$1,289,000 of the general fund--private/local appropriation are provided solely to enable the department to contract with Pierce county human services for the provision of community mental health services to include crisis triage, evaluation and treatment, and mobile crisis services. The legislature intends this to be one-time funding while a replacement regional support network is being secured. The department is authorized to reserve \$402,000 general fund--state and \$201,000 general fund--local of these amounts for reasonable costs incurred by Pierce county for the provision of mental health crisis and related services that exceed reimbursement levels contracted by the department. In order



to receive these funds, Pierce county must demonstrate to the department that the total cost of mental health services provided by the county in accordance with formal agreements has exceeded the revenues received from the department and third-party payers for these services. The department shall determine the documentation that is required.

(m) \$504,000 of the general fund--state appropriation for fiscal year 2008 and \$1,529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(n) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Spokane regional support network to implement a comprehensive plan for reducing its utilization of eastern state hospital. Key elements of the plan, which shall be developed and implemented in consultation with and with the assistance of the department, may include but shall not be limited to development of additional crisis triage, crisis stabilization, and evaluation and treatment beds; provision of housing assistance for high-utilizers of hospital and jail services who are at risk of homelessness; implementation of an intensive outpatient treatment team for persons with co-occurring disorders and other special needs; and delivery of respite care to assist elderly individuals avoid or return home after hospitalization. Spokane regional support network shall receive a proportional share of the fiscal year 2009 nonmedicaid rate reduction out of its base funding distribution.

(o) The department shall return to the Spokane regional support network fifty percent of the amounts assessed against the network during fiscal year 2009 for state hospital utilization in excess of its contractual limit. The regional support network shall use these funds for start-up and operation during its initial months of a new sixteen- bed evaluation and treatment facility that will enable the network to reduce its use of the state hospital.

(p) The department shall not reduce medicaid capitation rates below those in effect as of December 15, 2008.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008).	\$138,340,000
General Fund--State Appropriation (FY 2009).	<del>(\$129,272,000)</del>
	<u>\$126,164,000</u>
General Fund--Federal Appropriation.	<del>(\$145,552,000)</del>
	<u>\$148,501,000</u>
General Fund--Private/Local Appropriation.	<del>(\$66,302,000)</del>
	<u>\$66,521,000</u>
Pension Funding Stabilization Account--State Appropriation.	\$7,058,000
TOTAL APPROPRIATION.	<del>(\$486,524,000)</del>
	<u>\$486,584,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full- time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(f) \$133,000 of the general fund--state appropriation for fiscal year 2008 and \$2,145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to pilot a direct care nurse staffing plan for two high incident wards at eastern state hospital and four high incident wards at western state hospital. The pilot provides funding to fully staff registered nurses, licensed practical nurses, and mental health technicians in accordance with the state psychiatric hospitals direct care staffing review and recommendations. The department shall have the authority to fill the positions with any mix of these direct care nursing staff so long as a good faith effort is made to first hire and recruit positions in accordance with the direct care nurse staffing plan. The department shall monitor outcomes for improved patient and staff safety and provide a written report to the legislature by October 1, 2009.

(g) \$617,000 of the general fund--state appropriation for fiscal year 2008 and \$334,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to cover additional operating costs related to the October 11, 2007, laundry fire at western state hospital.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008).	\$1,892,000
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General Fund--State Appropriation (FY 2009)	\$2,269,000
General Fund--Federal Appropriation	\$3,276,000
<b>TOTAL APPROPRIATION</b>	<b>\$7,437,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

(b) \$80,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the general fund--federal appropriation are provided solely as one-time funding to make available a mental health train the trainer first aid course consisting of twelve hours of instruction based upon a program created by the department of psychiatry, University of Melbourne in Australia. The course will provide training to members of the public related to: (i) Giving appropriate initial help and support to a person suffering from a mental disorder and responding to mental health crisis situations; and (ii) depression, anxiety disorders, psychosis, and substance use disorder, including recognizing symptoms, possible causes or risk factors, and evidenced-based treatment options. Participants in the first aid course will train others to provide the training.

**(4) PROGRAM SUPPORT**

General Fund--State Appropriation (FY 2008)	\$4,966,000
General Fund--State Appropriation (FY 2009)	<del>(\$4,500,000)</del>
	<u>\$4,477,000</u>
General Fund--Federal Appropriation	<del>(\$7,557,000)</del>
	<u>\$7,580,000</u>
<b>TOTAL APPROPRIATION</b>	<b>\$17,023,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with a facilitator to coordinate a review and make recommendations on:

- (i) Ward sizes at eastern and western state hospitals and patient case mix by ward;
- (ii) Discharge practices for state hospitals to include the child and study treatment center; and
- (iii) Community placements to include placements for adults and children.

By October 15, 2008, the department shall provide to the legislature recommendations for system improvement to include a cost/benefit analysis. The department shall include representation from regional support networks in the review and development of recommendations for discharge practices and community placements.

**Sec. 1105.** 2009 c 4 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2008)	\$348,327,000
General Fund--State Appropriation (FY 2009)	<del>(\$362,407,000)</del>
	<u>\$343,503,000</u>
General Fund--Federal Appropriation	<del>(\$653,802,000)</del>
	<u>\$693,402,000</u>
Health Services Account--State Appropriation (FY 2008)	\$452,000
Health Services Account--State Appropriation (FY 2009)	\$452,000
<b>TOTAL APPROPRIATION</b>	<del>(\$1,365,440,000)</del>
	<u>\$1,386,136,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,399,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$8,849,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,198,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$696,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) \$1,692,000 of the general fund--state appropriation for fiscal year 2008, \$3,645,000 of the general fund--state appropriation for fiscal year 2009, and \$2,397,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. The legislature finds that some waiver clients are not receiving employment services that are authorized under their waivers. Within the amounts appropriated in this section, waiver clients must receive services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall work with the counties to establish a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. The department shall report to the office of financial management and the appropriate committees of the legislature on this proposal by November 1, 2008, including estimated fiscal impacts and an option for making the policy budget neutral for the current level of clients served. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h)(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

(ii) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(iii) Amounts provided in this section and in section 206 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(i) ~~(\$921,000)~~ \$494,000 of the general fund--state appropriation for fiscal year 2009 and ~~(\$963,000)~~ \$518,000 of the general fund--federal appropriation are provided solely for the development and implementation of a federal home and community-based care waiver to provide intensive behavior support services to up to one hundred children with developmental disabilities who have intense behaviors, and their families.

(i) To receive services under the waiver, the child must have a developmental disability and: (A) Meet an acuity measure, as determined by the department, indicating that the child is at high risk of needing an out-of-home placement; (B) be eligible for developmental disabilities services and a home and community-based care waiver program; (C) reside in his or her family home or temporarily in an out-of-home placement with a plan to return home; and (D) have family that demonstrates the willingness to participate in the services offered through the waiver, and is not subject to a pending child protective services referral.

(ii) The department shall authorize, contract for, and evaluate the provision of intensive in-home services that support the ability of the child to remain at home with their parents or relatives. Intensive behavior support services under the waiver shall be provided directly or by contract, and may include, but are not limited to: (A) Behavior consultation and management, therapies and respite care; (B) minor home or motor vehicle modifications and transportation; (C) specialized nutrition and clothing; (D) training of families and other individuals working with the child; and (E) inclusion in community activities.

(j) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the purpose of settling all claims in the *Washington Federation of State Employees, et. al v. State of Washington*, Thurston County Superior Court Cause No. 05-2-02422-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the appropriation in this subsection (j). If settlement is not executed by June 30, 2008, the appropriation in this subsection (j) shall lapse.

(k) Within the amounts appropriated in this section, the department shall review current infant-toddler early intervention services statewide and report to the office of financial management by November 1, 2008, and the appropriate committees of the legislature on a recommended consistent funding approach per child for the 2009-11 biennium, recognizing the new level of funding anticipated by school district participation. The recommendations must also include a budget neutral option for the current level of clients served.

(l) \$325,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for state-only employment services for young adults with developmental disabilities who need employment opportunities and assistance after high school graduation.

(m) Within the amounts appropriated in this subsection (l), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program, and (ii) otherwise meet the waiver eligibility requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day program who are not transferred to a department HCBS waiver will continue to receive services.

~~(n) (Within the amounts appropriated in this subsection (l), the department shall define in-home personal care services to include a client's ability to manage their personal care worker as identified by characteristics in the functional assessment. Clients whose assessments demonstrate they are able to manage their own plan of care are not eligible for personal care through a home care agency. The department shall adopt rules to implement this section.)~~

~~—(o) The department shall not reduce and shall continue to provide adult day health services.)~~

(o) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008).	\$80,469,000
General Fund--State Appropriation (FY 2009).	<del>(\$69,825,000)</del>
	<u>\$65,359,000</u>
General Fund--Federal Appropriation.	<del>(\$179,338,000)</del>
	<u>\$184,387,000</u>
General Fund--Private/Local Appropriation.	<del>(\$21,629,000)</del>
	<u>\$22,203,000</u>
Pension Funding Stabilization Account--State Appropriation.	\$5,614,000
TOTAL APPROPRIATION.	<del>(\$356,875,000)</del>
	<u>\$358,032,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(c) \$642,000 of the general fund--state appropriation for fiscal year 2008 and \$721,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(d) The department shall ~~((not reduce and shall))~~ continue to provide ~~((subsidies to clients of))~~ professional services at the residential habilitation centers ~~((professional providers to support the treatment of developmentally disabled clients who do not reside in a residential habilitation center, but shall not expand eligibility for these services))~~ to eligible community clients within appropriation limits.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008).	\$2,262,000
General Fund--State Appropriation (FY 2009).	\$1,903,000
General Fund--Federal Appropriation.	\$2,788,000
TOTAL APPROPRIATION.	\$6,953,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(2) In addition to other reductions, the reduced appropriations in this section reflect an additional \$399,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008).	\$17,000
General Fund--State Appropriation (FY 2009).	\$15,000
General Fund--Federal Appropriation.	<del>(\$16,809,000)</del>
	\$21,033,000
TOTAL APPROPRIATION.	<del>(\$16,841,000)</del>
	\$21,065,000

Sec. 1106. 2009 c 4 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$700,332,000
General Fund--State Appropriation (FY 2009).	<del>(\$707,293,000)</del>
	\$655,024,000
General Fund--Federal Appropriation.	<del>(\$1,569,912,000)</del>
	\$1,628,163,000
General Fund--Private/Local Appropriation.	\$19,525,000
Pension Funding Stabilization Account--State Appropriation.	\$1,448,000
Health Services Account--State Appropriation (FY 2008).	\$2,444,000
Health Services Account--State Appropriation (FY 2009).	\$2,444,000
Traumatic Brain Injury Account--State Appropriation.	\$1,212,000
TOTAL APPROPRIATION.	<del>(\$3,004,610,000)</del>
	\$3,010,592,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$159.34 for fiscal year 2008 and shall not exceed ~~(\$163.72)~~ \$164.85 for fiscal year 2009, including the rate add-on described in subsection (9) of this section. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007, and by 1.99 percent effective July 1, 2008.

(b) \$1,835,000 of the general fund--state appropriation for fiscal year 2009 and \$2,574,000 of the general fund--federal appropriation are provided solely for restoration of the statewide weighted average nursing facility payment rate up to the payment rate specified in (a) of this subsection.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; ~~(and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010).~~

~~((4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW. The department shall not reduce and shall continue to provide adult day health services.))~~

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 and \$3,134,000 of the general fund--federal appropriation are provided solely to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. Within the funds provided, the department shall provide an add-on per resident day per facility based on the total funding divided by the total number of fiscal year 2009 medicaid patient days as forecasted by the caseload forecast council, not to exceed \$1.57. The department may reduce the level of add-on if necessary to fit within this appropriation if the caseload forecasted days increase from the February 2008 forecast. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2006, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall implement reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(10) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

(11) \$1,212,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12)(a) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

(b) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(c) Amounts provided in this section and in section 205 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(13) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(14) \$2,463,000 of the general fund--state appropriation for fiscal year 2009 and \$1,002,000 of the general fund--federal appropriation are provided solely to implement sections 4 and 8 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(15) \$40,000 of the general fund--state appropriation for fiscal year 2009 and \$40,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) Within the funds appropriated in the section, the department shall establish one statewide hourly rate to reimburse home care agencies for the costs related to state clients for hours worked by direct care workers in receiving mandatory training. The statewide hourly rate shall be based on the hourly wage paid to individual providers plus mandatory taxes plus an adjustment based on the formula created under RCW 74.39A.310.

(17) ~~((Within the amounts appropriated in this section, the department shall define in-home personal care services to include a client's ability to manage their personal care worker as identified by characteristics in the functional assessment. Clients whose assessments demonstrate they are able to manage their own plan of care are not eligible for personal care through a home care agency. The department shall adopt rules to implement this section))~~ The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(18) In addition to other reductions, the reduced appropriations in this section reflect an additional \$1,002,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(19) Adult day health services shall only be authorized for clients in nonresidential settings.

**Sec.1107.** 2009 c 4 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	\$586,369,000
General Fund--State Appropriation (FY 2009)	<del>(\$464,586,000)</del>
	<u>\$467,807,000</u>
General Fund--Federal Appropriation	<del>(\$1,168,223,000)</del>
	<u>\$1,219,837,000</u>
General Fund--Private/Local Appropriation	\$33,233,000
Pension Funding Stabilization Account--State Appropriation	\$4,592,000
<b>TOTAL APPROPRIATION</b>	<del>(\$2,257,003,000)</del>
	<u>\$2,311,838,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,694,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$362,304,000)~~ \$218,162,000 of the general fund-- state appropriation for fiscal year 2009, and ~~(\$733,276,000)~~ \$505,967,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) For fiscal year 2009, increase the temporary assistance for needy families grant standard by three percent to account for increased housing costs.

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$850,000 of the general fund--federal appropriation are provided solely to increase the gross income limits for eligibility for programs authorized under RCW 74.04.500 and 74.08A.120 to 200 percent of the federal poverty level. The department shall adjust its rules and information technology systems to make the eligibility change effective October 1, 2008.

(14) The department, in conjunction with the House Bill No. 1290 work group, shall identify and analyze barriers preventing city, county, and state referrals of persons potentially eligible for expedited application processing authorized under RCW 74.09.555. The department, in conjunction with the House Bill No. 1290 work group, shall report its findings and recommendations to the appropriate committees of the legislature no later than November 15, 2008.

(15) \$656,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the department to increase immigration and naturalization services. These funds shall not supplant state and federal resources currently provided by the department for this purpose.

(16) The department shall not increase the child care copayment for families above 82 percent of the federal poverty level.

(17) In addition to other reductions, the reduced appropriations in this section reflect an additional \$516,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1108.** 2009 c 4 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2008)	\$69,252,000
General Fund--State Appropriation (FY 2009)	<del>(\$54,049,000)</del>
	<u>\$55,324,000</u>
General Fund--Federal Appropriation	<del>(\$168,949,000)</del>
	<u>\$177,314,000</u>
General Fund--Private/Local Appropriation	\$6,083,000
Criminal Justice Treatment Account--State Appropriation	\$18,555,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$22,186,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$22,186,000
Problem Gambling Account--State Appropriation	\$1,464,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,396,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,395,000
Pension Funding Stabilization Account--State Appropriation	\$146,000
<b>TOTAL APPROPRIATION</b>	<del>(\$369,661,000)</del>
	<u>\$379,301,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington



and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$1,060,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) To continue an existing pilot program in Pierce county limited to individuals who began chemical dependency treatment using the prometa protocol prior to March 11, 2008; and (b) to contract with an independent evaluator who will, to the extent possible, evaluate the Pierce county pilot, as well as summarize other research on the efficacy of the prometa protocol.

(5) \$4,449,000 of the general fund--state appropriation for fiscal year 2009 and \$1,000,000 of the criminal justice treatment account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6665 (crisis response), to continue existing pilot programs and to expand the intensive crisis response pilot to Spokane county. The continuation and expansion of the pilot programs expires June 30, 2009. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(6) The department shall not reduce and shall continue to provide adult care and low-income treatment and detoxification services.

(7) The department shall not reduce and shall continue to support the families in recovery program.

(8) The department shall not reduce and shall continue the student employment program.

(9) The department shall not reduce and shall continue to provide funding for living allowances to clients in treatment under RCW 74.50.050.

(10) The department shall not reduce and shall continue to provide funding to drug courts for treatment.

(11) In addition to other reductions, the reduced appropriations in this section reflect an additional \$76,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(12) The department shall not reduce and shall continue to secure and provide for evaluation training for assessing children with fetal alcohol spectrum disorders (FASD).

**Sec. 1109.** 2009 c 4 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008) . . . . .	\$1,602,827,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$1,533,431,000)</del>
	<u>\$1,453,789,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$4,439,060,000)</del>
	<u>\$4,669,537,000</u>
General Fund--Private/Local Appropriation . . . . .	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation . . . . .	\$15,076,000
Health Services Account--State Appropriation (FY 2008) . . . . .	\$388,946,000
Health Services Account--State Appropriation (FY 2009) . . . . .	<del>(\$392,857,000)</del>
	<u>\$364,314,000</u>
Tobacco Prevention and Control Account--State Appropriation . . . . .	<del>(\$1,883,000)</del>
	<u>\$1,727,000</u>
Pension Funding Stabilization Account--State Appropriation . . . . .	\$646,000
TOTAL APPROPRIATION . . . . .	<del>(\$8,376,726,000)</del>
	<u>\$8,498,862,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund-- federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2007, and by November 1, 2008, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed within two years after the end of the related fiscal year. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$61,728,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and (~~(\$47,745,000)~~) \$46,490,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$4,399,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$6,391,000)~~) \$6,094,000 of the general fund--state appropriation for fiscal year 2009, and (~~(\$55,384,000)~~) \$53,470,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$6,728,000 of the general fund--state appropriation for fiscal year 2008 and \$8,563,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$134,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) \$1,529,000 of the general fund--state appropriation for fiscal year 2008 and \$1,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children).

(a) By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

- (i) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;
- (ii) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;
- (iii) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;
- (iv) Outreach contracts with local governmental entities, community based organizations, and tribes;
- (v) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;
- (vi) Results of efforts to maximize federal matching funds, wherever possible; and
- (vii) Plans for sustaining outreach programs proven to be successful.

(b)(i) Within the amounts provided under this subsection (19), sufficient funding is provided to the department to develop and implement in conjunction with the employment security department a plan that would:

(A) Allow applicants and recipients of unemployment insurance to request assistance with obtaining health coverage for household members; and

(B) Authorize the exchange of information between the employment security department and the department of social and health services to more efficiently determine eligibility for health coverage under chapter 74.09 RCW.

(ii) The plan developed in (b)(i) of this subsection should address permissible uses of federal employment security funding and infrastructure, identification of any necessary statutory changes, and cost information. The department shall submit the plan in a report to the governor and the appropriate committees of the legislature by November 15, 2008.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a medicare advantage program. The department shall:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result.

The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) The department may not transition to managed care delivery any population that has been primarily served under fee-for-service delivery unless the department first conducts a cost-effectiveness evaluation of the transition, including an evaluation of historical data on utilization patterns, and finds that the transition would result in a more effective and cost-efficient form of service delivery, pursuant to RCW 74.09.470. Any such finding must be provided to the governor and the legislature no less than ninety days before the transition begins.

(22) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

(25) \$1,883,000 of the tobacco prevention and control account-- state appropriation and \$1,742,000 of the general fund--federal appropriation are for the provision of smoking cessation benefits pursuant to Senate Bill No. 6421 (smoking cessation). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(26) As part of the five-year plan on state purchasing to improve health care quality under chapter 259, Laws of 2007, the department, in collaboration with the department of health, shall provide a report to the appropriate committees of the legislature outlining a strategy to improve immunization rates for all children in the state, including but not limited to vaccine administration fee increases and pay-for-performance incentives. The department shall submit the report to the governor and the health policy and fiscal committees of the legislature by November 1, 2008.

(27) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2008.

(28)(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a feasibility study to examine processes and systems that would expeditiously link persons released from confinement in state and local correctional facilities and institutions for mental diseases to medical assistance benefits for which they qualify. The study shall present an analysis of the costs and benefits associated with:

(i) Suspending eligibility for persons who were receiving medical assistance at the time their confinement began, such that upon the person's release from confinement, medical assistance benefits would immediately resume without the filing of a new application. In the evaluation of eligibility suspension, the department shall examine process modifications that would allow confined persons to recertify eligibility before or immediately after release from confinement;

(ii) Improving the efficiency and expanding the scope of the expedited medical assistance reinstatement and eligibility determination process established under RCW 74.09.555, including extending the process to persons other than those with mental disorders, both for persons who had been previously eligible before confinement and for persons who had not been eligible before confinement;

(iii) Providing medical and mental health evaluations to determine disability for purposes of the medical assistance program before the person's release from confinement; and

(iv) Notifying the department in a timely manner when a person who has been enrolled in medical assistance is confined in a state correctional institution or institution for mental diseases or is released from confinement.

(b) In conducting the study, the department shall collaborate with the Washington association of sheriffs and police chiefs, the department of corrections, the regional support networks, department field offices, institutions for mental diseases, and correctional institutions. The department shall submit the study to the governor and the legislature by November 15, 2008.

(29) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(30) The department shall not reduce and shall continue to provide family planning nurses and supplies at community services offices.

(31) The department shall not eliminate and shall continue to provide a nurse hotline for foster parents.

(32) The department shall not reduce and shall provide medical assistance to children under three-hundred percent of the federal poverty level.

(33) The department shall not reduce and shall continue to provide maternity support services to pregnant and postpartum women.

(34) ~~((The department shall not reduce and shall continue to provide transportation services to patients receiving adult day health services. —(35))~~ The department shall continue children's health coverage outreach and education efforts. These efforts shall rely on existing relationships and systems developed to implement the program under RCW 74.09.470, such as those with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that may become available to provide on-going support for outreach and education efforts.

~~((36))~~ (35) The department shall reduce expenditures on pharmaceuticals and durable medical equipment.

~~((37))~~ (36) The department shall not reduce hospital rates.

~~((38))~~ (37) In addition to other reductions, the reduced appropriations in this section reflect an additional \$1,062,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1110.** 2009 c 4 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008).	\$11,543,000
General Fund--State Appropriation (FY 2009).	<del>(\$8,182,000)</del>
	<u>\$8,170,000</u>
General Fund--Federal Appropriation.	<del>(\$95,975,000)</del>
	<u>\$100,521,000</u>
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation.	\$1,975,000
Pension Funding Stabilization Account--State Appropriation.	\$116,000
TOTAL APPROPRIATION.	<del>(\$117,791,000)</del>
	<u>\$122,325,000</u>

**Sec. 1111.** 2009 c 4 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM**

General Fund--State Appropriation (FY 2008).	\$52,506,000
General Fund--State Appropriation (FY 2009).	<del>(\$52,216,000)</del>
	<u>\$51,478,000</u>
TOTAL APPROPRIATION.	<del>(\$104,722,000)</del>
	<u>\$103,984,000</u>

**Sec. 1112.** 2009 c 4 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2008).	\$59,085,000
General Fund--State Appropriation (FY 2009).	<del>(\$52,540,000)</del>
	<u>\$53,620,000</u>
General Fund--Federal Appropriation.	<del>(\$53,302,000)</del>
	<u>\$53,864,000</u>
TOTAL APPROPRIATION.	<del>(\$164,927,000)</del>
	<u>\$166,569,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$235,000 of the general fund--state appropriation for fiscal year 2009 and \$111,000 of the general fund-- federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**Sec. 1113.** 2009 c 4 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2008).	\$1,000,000
General Fund--State Appropriation (FY 2009).	<u>\$500,000</u>
General Fund--Federal Appropriation.	\$4,934,000
State Health Care Authority Administrative Account-- State Appropriation.	\$41,497,000
State Health Care Authority Administrative Account--Private/Local Appropriation.	\$100,000
Medical Aid Account--State Appropriation.	\$527,000
Health Services Account--State Appropriation (FY 2008).	\$271,478,000
Health Services Account--State Appropriation (FY 2009).	<del>(\$291,795,000)</del>
	<u>\$289,124,000</u>
TOTAL APPROPRIATION.	<del>(\$611,331,000)</del>
	<u>\$609,160,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(5) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(6) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$540,000 of the general fund--federal appropriation, and \$8,200,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

(7) \$2,000,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the authority to provide one-time competitive grants to community health centers to increase the number of adults served on an ongoing basis. Each clinic receiving grant funding shall report annually, beginning December 2008, on key adult access indicators established by the authority, including but not limited to increases in the number of low-income adults served.

(8) \$1,639,000 of the health services account--state appropriation for fiscal year 2008 is provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(9) \$664,000 of the health services account--state appropriation for fiscal year 2008 is provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

(12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

(13) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(14) \$100,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 1114.** 2009 c 4 s 214 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2008).	\$3,377,000
General Fund--State Appropriation (FY 2009).	\$3,580,000
General Fund--Federal Appropriation.	( <del>\$1,523,000</del> )
	<u>\$1,723,000</u>
TOTAL APPROPRIATION.	( <del>\$8,480,000</del> )
	<u>\$8,680,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$190,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**Sec. 1115.** 2009 c 4 s 215 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State Appropriation. . . . .	\$20,000
Accident Account--State Appropriation. . . . .	<del>(\$17,963,000)</del>
	<u>\$18,045,000</u>
Medical Aid Account--State Appropriation. . . . .	<del>(\$17,964,000)</del>
	<u>\$18,046,000</u>
TOTAL APPROPRIATION. . . . .	<del>(\$35,947,000)</del>
	<u>\$36,111,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$82,000 of the accident account--state appropriation for fiscal year 2009 and \$82,000 of the medical aid account--state appropriation for fiscal year 2009 are provided solely for implementation of chapter 280, Laws of 2008 (industrial insurance orders).

**Sec. 1116.** 2009 c 4 s 216 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund--State Appropriation (FY 2009). . . . .	\$306,000
Public Safety and Education Account--State Appropriation (FY 2008). . . . .	\$15,680,000
Public Safety and Education Account--State Appropriation (FY 2009). . . . .	<del>(\$21,445,000)</del>
	<u>\$21,320,000</u>
Death Investigations Account--State Appropriation. . . . .	\$148,000
Municipal Criminal Justice Assistance Account-- State Appropriation. . . . .	\$460,000
Washington Auto Theft Prevention Authority Account-- State Appropriation. . . . .	\$12,322,000
TOTAL APPROPRIATION. . . . .	<del>(\$50,361,000)</del>
	<u>\$50,236,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and ~~(\$1,809,000)~~ \$1,684,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and ~~(nine)~~ eight additional basic law enforcement academies in fiscal year 2009.

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to deliver multi-disciplinary team training sessions aimed at improving the coordination of, and communication between, agencies involved in the investigation of child fatality, child sexual abuse, child physical abuse, and criminal neglect cases.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$5,000,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (A) For level I offenders, every twelve months;
- (B) For level II offenders, every six months; and
- (C) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program.

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by September 1, 2009.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(11) \$750,000 of the public safety and education fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$306,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant program to pay for the costs of local law enforcement agencies participating in specialized crisis intervention training.

**Sec. 1117.** 2009 c 4 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2008)	\$8,716,000
General Fund--State Appropriation (FY 2009)	\$8,624,000
General Fund--Federal Appropriation	\$100,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$15,393,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$16,525,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$908,000
Electrical License Account--State Appropriation	\$41,104,000
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,941,000
Public Works Administration Account--State Appropriation	\$3,948,000
Manufactured Home Installation Training Account-- State Appropriation	\$192,000
Accident Account--State Appropriation	( <del>(\$232,295,000)</del> )
	<u>\$232,617,000</u>
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	( <del>(\$235,445,000)</del> )
	<u>\$235,766,000</u>
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,634,000
Pressure Systems Safety Account--State Appropriation	\$3,646,000
<b>TOTAL APPROPRIATION</b>	<del>(\$597,307,000)</del>
	<u>\$597,950,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces



insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.

(13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$107,000 of the accident account--state appropriation and \$107,000 of the medical aid account--state appropriation are provided solely to implement Senate Bill No. 6839 (workers' compensation coverage). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) ~~(\$224,000)~~ \$169,000 of the general fund--state appropriation for fiscal year 2009, \$741,000 of the accident account--state appropriation, and \$741,000 of the medical aid account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$408,000 of the accident account--state appropriation and \$72,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 2602 (victims' employment leave). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(18) \$3,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$3,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 6246 (industrial insurance claims). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of licensing shall report their findings to the appropriate committees of the legislature.

(20) ~~(The department of labor and industries shall enter into an interagency agreement with the employment security department to expend funds from the family leave insurance account for the implementation of the family leave insurance program.~~

~~(21))~~ Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section and by not more than 5.53 percent in fiscal year 2008: Boiler inspection permits and fees; boiler permit fees; plumbers' continuing education; and plumbers' licensing and examination fees.

(21) \$256,000 of the accident account--state appropriation and \$256,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 280, Laws of 2008 (industrial insurance orders).

Sec. 1118. 2009 c 4 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2008).	\$2,124,000
General Fund--State Appropriation (FY 2009).	\$1,926,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation.	\$10,000
<b>TOTAL APPROPRIATION.</b>	<b>\$4,060,000</b>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2008).	\$5,264,000
General Fund--State Appropriation (FY 2009).	\$5,476,000
General Fund--Federal Appropriation.	<del>(\$1,025,000)</del>
	<u>\$1,332,000</u>
General Fund--Private/Local Appropriation.	<del>(\$3,317,000)</del>
	<u>\$3,640,000</u>
Veterans Innovations Program Account Appropriation.	\$1,437,000
Veteran Estate Management Account--Private/Local Appropriation.	\$1,062,000
<b>TOTAL APPROPRIATION.</b>	<del>(\$17,581,000)</del>
	<u>\$18,211,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(b) The department shall not reduce field service contracts.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008).	\$7,948,000
General Fund--State Appropriation (FY 2009).	<del>(\$5,484,000)</del>
	<u>\$4,833,000</u>
General Fund--Federal Appropriation.	<del>(\$43,120,000)</del>
	<u>\$43,207,000</u>
General Fund--Private/Local Appropriation.	<del>(\$31,569,000)</del>
	<u>\$32,241,000</u>
<b>TOTAL APPROPRIATION.</b>	<del>(\$88,121,000)</del>
	<u>\$88,229,000</u>

Sec. 1119. 2009 c 4 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2008).	\$81,232,000
General Fund--State Appropriation (FY 2009).	<del>(\$80,596,000)</del>
	<u>\$80,719,000</u>
General Fund--Federal Appropriation.	\$477,065,000
General Fund--Private/Local Appropriation.	<del>(\$119,875,000)</del>
	<u>\$135,219,000</u>
Hospital Commission Account--State Appropriation.	<del>(\$144,000)</del>
	<u>\$215,000</u>
Health Professions Account--State Appropriation.	<del>(\$68,726,000)</del>
	<u>\$69,054,000</u>
Aquatic Lands Enhancement Account--State Appropriation.	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation.	\$12,606,000
Safe Drinking Water Account--State Appropriation.	\$3,041,000
Public Health Services Account--State Appropriation.	\$1,000,000
Drinking Water Assistance Account--Federal Appropriation.	\$19,027,000
Waterworks Operator Certification--State Appropriation.	\$1,513,000
Drinking Water Assistance Administrative Account-- State Appropriation.	\$326,000
Water Quality Account--State Appropriation (FY 2008).	\$1,975,000
Water Quality Account--State Appropriation (FY 2009).	\$1,983,000
State Toxics Control Account--State Appropriation.	\$3,460,000
Medical Test Site Licensure Account--State Appropriation.	\$2,055,000
Youth Tobacco Prevention Account--State Appropriation.	\$1,512,000

Public Health Supplemental Account--Private/Local Appropriation. . . . .	\$3,918,000
Accident Account--State Appropriation. . . . .	\$291,000
Medical Aid Account--State Appropriation. . . . .	\$48,000
Health Services Account--State Appropriation (FY 2008). . . . .	\$42,122,000
Health Services Account--State Appropriation (FY 2009). . . . .	<del>(\$49,729,000)</del>
	<u>\$46,398,000</u>
Tobacco Prevention and Control Account--State Appropriation. . . . .	<del>(\$52,846,000)</del>
	<u>\$47,846,000</u>
TOTAL APPROPRIATION. . . . .	<del>(\$1,025,690,000)</del>
	<u>\$1,033,225,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is further authorized to increase fees in its fee-supported programs as necessary to meet the actual costs of conducting business and the appropriation levels in this section, as specifically authorized in LEAP Document DOH-2008, as developed by the legislative evaluation and accountability program on March 11, 2008.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.

(6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department. Priority will be given to testing children and increasing the registry in the lead surveillance program.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$5,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,000,000 of the public health services account--state appropriation are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for

clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Funds appropriated and expended under this subsection for fiscal year 2009 shall be distributed in a manner that allocates funding to department of health-funded family planning clinics based upon the percentage of medical assistance family planning waiver clients in calendar year 2005 who received services from a provider located in the geographic area served by the department of health-funded clinic. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level

of funding of twenty- five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008.

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

(32) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(33) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the senior falls prevention pilot program, pursuant to section 7 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs).

(34) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state breast and cervical health program to increase the provider reimbursement rate for digital mammographies to the medicare equivalent rate.

(35) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the child death review program. The program shall be transferred from the community and family health division to the injury prevention division within the department.

(36) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest sickle cell collaborative program.

(37) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$154,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the restoration of maxillofacial/cleft palate teams in Yakima, Spokane, Seattle, and Tacoma.

(38) \$17,000 of the health professions account--state appropriation is provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(39) \$11,000 of the health professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 6439 (radiologist assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(40) \$115,000 of the general fund--state appropriation for fiscal year 2009 and \$4,261,000 of the health professions account--state appropriation are provided solely for implementation of Fourth Substitute House Bill No. 1103 (health professions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(41) \$558,000 of the health professions account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 2674 (counselor credentialing). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(42) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(43) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

(44) \$35,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the state toxics control account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(45) \$143,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6340 (water system program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(46) \$194,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2549 (patient-centered care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(47) \$96,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2881 (practice of dentistry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(48) \$130,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(49) \$900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington colon health program. Through the program, the department shall provide grants to participating counties to provide free colorectal screening exams to individuals fifty to sixty-four years old who are below two hundred fifty percent of the federal poverty level.

(50) In addition to other reductions, the reduced appropriations in this section reflect an additional \$90,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1120.** 2008 c 329 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.** ((+)) The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ((2008)) 2009, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2008)) 2009 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes(, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers).

—((2) The department may transfer up to \$15,000,000 of the general fund--state appropriation for fiscal year 2009 into fiscal year 2008, if deemed necessary by the department and approved in advance by the director of financial management. The director of financial management shall notify the fiscal committees of the legislature in writing seven days prior to approving a transfer under this subsection. The written notification shall include a narrative explanation and justification of the transfer including allotment detail by program, budget object, and budget unit for both fiscal years, both before and after any transfers)).

**Sec. 1121.** 2009 c 4 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008).	\$57,545,000
General Fund--State Appropriation (FY 2009).	((52,652,000))
	<u>\$52,320,000</u>
Washington Auto Theft Prevention Authority Account-- State Appropriation.	\$169,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).	\$13,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).	\$13,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$1,467,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$1,481,000
Pension Funding Stabilization Account--State Appropriation.	\$1,280,000
TOTAL APPROPRIATION.	((114,620,000))
	<u>\$114,288,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(g) \$32,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6244 (conversion of facilities to house violators of community supervision). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(h) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008). . . . .	(( <del>\$601,402,000</del> ))
	<u>\$616,402,000</u>
General Fund--State Appropriation (FY 2009). . . . .	(( <del>\$647,608,000</del> ))
	<u>\$655,534,000</u>
General Fund--Federal Appropriation. . . . .	(( <del>\$4,157,000</del> ))
	<u>\$3,941,000</u>
Public Safety and Education Account--State Appropriation (FY 2008). . . . .	\$1,050,000
Public Safety and Education Account--State Appropriation (FY 2009). . . . .	\$1,350,000
Washington Auto Theft Prevention Authority Account-- State Appropriation. . . . .	\$1,338,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).. . . . .	\$1,492,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).. . . . .	\$1,492,000
Pension Funding Stabilization Account--State Appropriation. . . . .	\$11,800,000
TOTAL APPROPRIATION. . . . .	(( <del>\$1,271,689,000</del> ))
	<u>\$1,294,399,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the

offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

- (i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;
- (ii) A description of the offender's education, certifications, work experience, skills, and training; and
- (iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.
- (iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008).	\$133,157,000
General Fund--State Appropriation (FY 2009).	<del>(\$145,881,000)</del>
	<u>\$146,344,000</u>
General Fund--Federal Appropriation.	\$416,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$9,319,000
Public Safety and Education Account--State Appropriation (FY 2009).	\$9,370,000
Pension Funding Stabilization Account--State Appropriation.	\$2,800,000
TOTAL APPROPRIATION.	<del>(\$300,943,000)</del>
	<u>\$301,406,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.
- (c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:
  - (i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;
  - (ii) An employment opportunity program to assist an offender in finding employment;
  - (iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and
  - (iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.
  - (v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008).	\$1,001,000
General Fund--State Appropriation (FY 2009).	\$2,357,000
TOTAL APPROPRIATION.	\$3,358,000

The appropriations in this subsection are subject to the following conditions and limitations: \$124,000 of the general fund--state appropriation for fiscal year 2008 and \$132,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008).	\$35,036,000
General Fund--State Appropriation (FY 2009).	<del>(\$28,082,000)</del>
	<u>\$29,043,000</u>
TOTAL APPROPRIATION.	<del>(\$63,118,000)</del>
	<u>\$64,079,000</u>



The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

**Sec. 1122.** 2009 c 4 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2008).	\$2,566,000
General Fund--State Appropriation (FY 2009).	\$2,375,000
General Fund--Federal Appropriation.	<del>(\$17,584,000)</del>
	<u>\$18,757,000</u>
General Fund--Private/Local Appropriation.	\$20,000
TOTAL APPROPRIATION.	<del>(\$22,545,000)</del>
	<u>\$23,718,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

(2) The department shall not reduce and shall continue to provide funding for contracted services that provide employment support and help with life activities for deaf and blind individuals in King county.

**Sec. 1123.** 2009 c 4 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2008).	\$60,000
General Fund--State Appropriation (FY 2009).	\$272,000
General Fund--Federal Appropriation.	<del>(\$264,967,000)</del>
	<u>\$320,249,000</u>
General Fund--Private/Local Appropriation.	\$33,578,000
Unemployment Compensation Administration Account--Federal Appropriation.	<del>(\$252,907,000)</del>
	<u>\$273,138,000</u>
Administrative Contingency Account--State Appropriation.	\$22,802,000
Employment Service Administrative Account--State Appropriation.	\$33,843,000
Family Leave Insurance Account--State Appropriation.	\$1,764,000
TOTAL APPROPRIATION.	<del>(\$610,193,000)</del>
	<u>\$685,706,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).

(3) \$23,162,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

(7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

(9) \$2,331,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for hardware and software to ensure the ongoing, reliable operation of the telecenters.

(10) \$488,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for the relocation of the WorkSource office in Lakewood.

(11) \$1,764,000 of the family leave insurance account--state appropriation is provided solely for implementation of the family leave insurance program.

~~((a) The amount provided in this subsection assumes that, in developing the information technology systems to support the payment of benefits, the department will incorporate the claim filing and benefit payment efficiencies recommended by the joint legislative task force on family leave insurance in Part III of its final report dated January 23, 2008, including:~~

- ~~— (i) Eliminating the option for awarding attorney fees and costs for administrative hearings;~~
- ~~— (ii) Authorizing claims for benefits to be filed in the six-week period beginning on the first day of the calendar week in which the individual is on family leave;~~
- ~~— (iii) Not requiring claimants to verify the birth of a child or the placement of a child for adoption;~~
- ~~— (iv) Including an attestation from the claimant that written notice has been provided to the employer of the intention to take family leave;~~

- ~~and~~
- ~~— (v) Not deducting and withholding federal income taxes from benefit payments;~~
- ~~(b) In addition, the department shall incorporate the following claim filing and benefit payment efficiencies:~~
- ~~— (i) Define "qualifying year" to mean the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar immediately preceding the first day of the application year;~~
  - ~~— (ii) Allow individuals to file a claim for benefits in the six-week period beginning on the first day of the calendar year in which the individual is on family leave; and~~
  - ~~— (iii) After an initial family leave insurance benefit is paid, subsequent payments must be made biweekly, rather than semimonthly, thereafter.))~~

(12) \$222,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(13) \$155,000 of the unemployment compensation administration account--federal appropriation is provided solely to implement Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**PART XII  
NATURAL RESOURCES**

**Sec. 1201.** 2009 c 4 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2008).	\$524,000
General Fund--State Appropriation (FY 2009).	\$509,000
General Fund--Federal Appropriation.	\$9,000
General Fund--Private/Local Appropriation.	<del>(\$1,044,000)</del>
	<u>\$1,017,000</u>
TOTAL APPROPRIATION.	<del>(\$2,086,000)</del>
	<u>\$2,059,000</u>

**Sec. 1202.** 2009 c 4 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2008).	\$50,109,000
General Fund--State Appropriation (FY 2009).	<del>(\$45,748,000)</del>
	<u>\$45,561,000</u>
General Fund--Federal Appropriation.	\$83,013,000
General Fund--Private/Local Appropriation.	\$13,618,000
Special Grass Seed Burning Research Account--State Appropriation.	\$14,000
Reclamation Account--State Appropriation.	\$4,207,000
Flood Control Assistance Account--State Appropriation.	\$4,151,000
Aquatic Lands Enhancement Account--State Appropriation.	\$400,000
State Emergency Water Projects Revolving Account--State Appropriation.	\$390,000
Waste Reduction/Recycling/Litter Control--State Appropriation.	\$19,588,000
State Drought Preparedness--State Appropriation.	\$115,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation.	\$421,000
Vessel Response Account--State Appropriation.	\$1,604,000
Freshwater Aquatic Algae Control Account--State Appropriation.	\$509,000
Site Closure Account--State Appropriation.	\$694,000

Water Quality Account--State Appropriation (FY 2008).....	\$15,137,000
Water Quality Account--State Appropriation (FY 2009).....	\$16,493,000
Wood Stove Education and Enforcement Account--State Appropriation.....	\$370,000
Worker and Community Right-to-Know Account--State Appropriation.....	\$2,247,000
State Toxics Control Account--State Appropriation.....	<del>(\$99,235,000)</del>
	<u>\$95,125,000</u>
State Toxics Control Account--Private/Local Appropriation.....	\$381,000
Local Toxics Control Account--State Appropriation.....	\$20,952,000
Water Quality Permit Account--State Appropriation.....	\$34,022,000
Underground Storage Tank Account--State Appropriation.....	\$3,635,000
Biosolids Permit Account--State Appropriation.....	\$1,396,000
Hazardous Waste Assistance Account--State Appropriation.....	\$5,834,000
Air Pollution Control Account--State Appropriation.....	\$6,306,000
Oil Spill Prevention Account--State Appropriation.....	\$12,205,000
Air Operating Permit Account--State Appropriation.....	\$2,680,000
Freshwater Aquatic Weeds Account--State Appropriation.....	\$1,690,000
Oil Spill Response Account--State Appropriation.....	\$7,078,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State Appropriation.....	\$464,000
Water Pollution Control Revolving Account--Federal Appropriation.....	\$2,271,000
Columbia River Water Delivery Account--State Appropriation.....	\$2,150,000
TOTAL APPROPRIATION.....	<del>(\$459,141,000)</del>
	<u>\$454,844,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, the department is further authorized to increase the following fees in fiscal year 2009 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 5.57 percent; dam periodic inspection permit, not more than 5.57 percent; dam construction permit, not more than 5.57 percent; and mixed waste management, not more than 14.14 percent.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) \$831,000 of the general fund--state appropriation for fiscal year 2008 and \$669,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, \$313,650 of the general fund--state appropriation for fiscal year 2008 and \$529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the implementation of the WRIA 1 watershed plan and the Bertrand watershed improvement district plan, including but not limited to implementation of the Nooksack River basin stream gauging program, study of the feasibility of a public utility district pipeline in the Bertrand watershed, study and construction of water storage and augmentation in the Bertrand watershed, and preparation and development of the next subbasin watershed plan agreed to by the Bertrand instream flow policy group.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) \$464,000 of the general fund--state appropriation for fiscal year 2008 and \$136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fauntleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) \$693,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to continue the pilot water pathways project through the remainder of the biennium. The department will work with the northwest Indian fisheries commission and the U.S. institute on environmental conflict resolution to find resolution on persistent water policy issues between tribes and nontribal entities.

(23) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

(26) Within the appropriations provided in this section for the development of water supplies in the Columbia river basin, the department shall assist county governments located east of the crest of the Cascade mountain range that: Have an international border; or border a county with an international boundary and a county with four hundred thousand or more residents, to identify water supply projects to compete for funding from the Columbia river basin water management program. The department shall provide technical assistance as needed to further refine priority projects identified by these counties. The department shall consider and balance regional water supply needs in its funding allocation decisions made as a part of this program.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for coordinating with the University of Washington to assess the current energy profile of Washington state pulp and paper mills. The energy consumption and energy generation capability will be determined for both steam and electrical power. In addition, the sources and types of fuels used in various boilers will be assessed.

(28) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support a collaborative process to design a proposed comprehensive water management structure for the Walla Walla river basin. The proposed structure should address the allocation of functions, authorities, resource requirements, and issues associated with interstate watershed management of the basin. Invited participants should include but not be limited to the confederated tribes of the Umatilla Indian reservation; appropriate state agencies; and Walla Walla basin interests such as municipalities, irrigation districts, conservation districts, fisheries, agriculture, economic development, and environmental representatives. A report outlining the proposed governance and water management structure shall be submitted to the governor and the appropriate committees of the legislature by November 15, 2008.

(29) \$333,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(30) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$1,027,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 2815 (reducing greenhouse gases emissions in the Washington economy). In participating in the western climate initiative under Engrossed Second Substitute House Bill No. 2815, the director of the department shall seek to ensure that the design for a regional multisector market-based system confers equitable economic benefits and opportunities to electric utilities operating in Washington by having that system recognize at least the following: (a) Voluntary investments made by Washington utilities in energy efficiency measures; (b) emission reduction benefits that other state and provincial participants in the western climate initiative derive from consuming renewable energy generated in Washington; and (c) adverse impacts that climate change uniquely has upon the capabilities of hydroelectric power generation. Washington state's representatives to the western climate initiative process shall advocate for a regional multisector market-based design that addresses competitive disadvantages that could be experienced by in-region industries as compared to industries in states or countries that do not have greenhouse gas reduction programs that are substantively equivalent to the system designed under the western climate initiative process. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(31) Within the appropriations provided in this section the department shall ensure that standard statewide protocols for surface water monitoring are developed and included in status and trends monitoring to utilize information from other entities, including other state agencies, local governments, and volunteer groups.

(32)(a) \$2,000,000 of the Columbia river water delivery account appropriation is provided solely for distribution to affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water) to mitigate for negative impacts caused by releases of Lake Roosevelt water for the purposes described in that bill. The criteria for allocating these funds shall be developed by the department in consultation with affected local governments.

(b) \$150,000 of the Columbia river water delivery account appropriation is provided solely for the department to retain a contractor to perform an independent analysis of legislative options to protect rural communities in northeast Washington from disproportionate economic, agricultural, and environmental impacts when upstream water rights are purchased and transferred for use, or idled and used as mitigation, in a downstream watershed or county. Before retaining a contractor, the department shall consult with affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water). The contractor selected shall conduct the independent analysis and develop a report describing options and recommended actions. The department of ecology shall provide the report to the appropriate committees of the legislature by December 1, 2008.

(c) If Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water delivery) is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(33) \$210,000 of the local toxics control account--state appropriation is provided solely to clean up naturally occurring asbestos from Swift Creek.

(34) \$80,000 of the state toxics control account--state appropriation is provided solely for the department to create a stakeholder advisory committee to review and develop recommendations to help businesses achieve a fifty percent toxics reduction use goal. The committee shall: (a) Review and make recommendations to improve the effectiveness and delivery of technical assistance in pollution prevention planning; (b) develop recommendations for strategies to encourage moving away from "end-of-pipe" pollution reduction approaches to increase hazardous waste prevention throughout the state; and (c) review and make recommendations on revising the hazardous waste planning fee under RCW 70.95E.030, including opportunities to provide incentives that reward businesses for toxic use reduction successes in meeting a fifty percent toxics use reduction goal. The committee shall report its findings and recommendations to the fiscal and policy committees of the senate and house of representatives by November 1, 2008.

(35) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (relating to promoting farm and forest land preservation and environmental restoration through conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(36) RCW 70.105.280 authorizes the department to assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that involves both a nonradioactive hazardous component and a radioactive component. Service charges may not exceed the costs to the department in carrying out the duties in RCW 70.105.280. The current service charges do not meet the costs of the department to carry out its duties. Pursuant to RCW 43.135.055 and 70.105.280, the department is authorized to increase the service charges no greater than 10% for fiscal year 2009.

**Sec. 1203.** 2009 c 4 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2008)	\$48,970,000
General Fund--State Appropriation (FY 2009)	(( <del>\$45,503,000</del> ))
	<u>\$45,508,000</u>
General Fund--Federal Appropriation	\$5,731,000

General Fund--Private/Local Appropriation.....	\$73,000
Winter Recreation Program Account--State Appropriation.....	\$1,559,000
Off-Road Vehicle Account--State Appropriation.....	\$234,000
Snowmobile Account--State Appropriation.....	\$4,829,000
Aquatic Lands Enhancement Account--State Appropriation.....	\$363,000
Public Safety and Education Account--State Appropriation (FY 2008).....	\$23,000
Public Safety and Education Account--State Appropriation (FY 2009).....	\$24,000
Parks Renewal and Stewardship Account--State Appropriation.....	<del>(\$37,334,000)</del>
	<u>\$38,584,000</u>
Parks Renewal and Stewardship Account--Private/Local Appropriation.....	\$300,000
TOTAL APPROPRIATION.....	<del>(\$144,943,000)</del>
	<u>\$146,198,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,007,000)~~ \$1,932,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$217,000)~~ \$132,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009. The department shall fully implement this program as intended in this subsection.

(14) \$455,000 of the general fund--state appropriation for fiscal year 2008 and \$10,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.

(15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) ~~(\$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(17))~~ \$58,000 of the general fund--state appropriation for fiscal year 2008 and \$73,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time financial assistance to the northwest weather and avalanche center, administered by the United States forest service, to keep the center operational through the remainder of the biennium.

~~((18))~~ (17) Funds in this section are sufficient for continued implementation of Engrossed Substitute Senate Bill No. 5010 (foster home pass). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 1204. 2009 c 4 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2008)	\$56,158,000
General Fund--State Appropriation (FY 2009)	<del>(\$49,062,000)</del>
	<u>\$49,094,000</u>
General Fund--Federal Appropriation	\$52,270,000
General Fund--Private/Local Appropriation	\$37,184,000
Off-Road Vehicle Account--State Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Appropriation	\$6,022,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$268,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$323,000
Recreational Fisheries Enhancement--State Appropriation	\$3,600,000
Warm Water Game Fish Account--State Appropriation	\$2,992,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$753,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$842,000
Wildlife Account--State Appropriation	\$63,549,000
Wildlife Account--Federal Appropriation	\$34,279,000
Wildlife Account--Private/Local Appropriation	\$13,187,000
Game Special Wildlife Account--State Appropriation	\$2,478,000
Game Special Wildlife Account--Federal Appropriation	\$8,911,000
Game Special Wildlife Account--Private/Local Appropriation	\$483,000
Water Quality Account--State Appropriation (FY 2008)	\$160,000
Water Quality Account--State Appropriation (FY 2009)	\$160,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation	\$1,093,000
Oyster Reserve Land Account--State Appropriation	\$416,000
Wildlife Rehabilitation Account--State Appropriation	<del>(\$270,000)</del>
	<u>\$240,000</u>
TOTAL APPROPRIATION	<del>(\$340,078,000)</del>
	<u>\$340,080,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.
- (2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.
- (4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.
- (5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.
- (6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.
- (7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.
- (8) \$609,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program.
  - (a) For the purposes of the pilot project:
    - (i) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;
    - (ii) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;
    - (iii) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;
    - (iv) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(v) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(b) The director, in collaboration with the Colville Tribes, shall provide an interim report to the office of financial management and the appropriate committees of the legislature by December 31, 2008. The report shall describe the status of the pilot project, and make recommendations as needed to fully implement the project, pursuant to the state and tribal agreement on Lake Rufus Woods.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account-- state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(21)(a) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property.

(b) Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site. Up to \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development of the Beebe springs natural interpretive site. The department shall not expend more than the amount received from the sale proceeds.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

(24) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and \$610,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.



(25) \$245,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

(26) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(28) During the 2007-09 biennium, the department shall not make a permanent closure of any hatchery facility currently in operation.

(29) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2008.

(30) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(31) The department shall complete an inventory of department purchased or leased lands acquired for mixed agriculture and fish and wildlife habitat and provide for each purchase or lease agreement the cost and date of the agreement, the previous use of the land, any agreement or deed specifying continuing use of the land, and the current management cost and status of each parcel of purchased or leased lands. The department shall provide the inventory to the appropriate committees of the legislature by December 1, 2008.

(32) \$289,000 of the general fund--state appropriation for fiscal year 2008 and \$301,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for selective fisheries.

(33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for removal of derelict gear in Washington waters.

(34) \$135,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a review of the effectiveness of the department's existing hydraulic project approval process and environmental outcomes.

(35) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the 2008 Wiley Slough restoration project report to the legislature recommendation to establish a private farmland, public recreation partnership that would provide farmland preservation, waterfowl management, and public recreational access.

(36) \$95,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Ebey Island property management costs.

(37)(a) A work group on Electron dam salmon passage is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The department of fish and wildlife shall appoint at least one representative from each of the following entities: The department of fish and wildlife, Puyallup Tribe of Indians, and Puget Sound energy.

(b) The department of fish and wildlife shall provide staff support to the work group.

(c) The work group shall study possible enhancements for improving outbound juvenile salmon passage at Electron dam on the Puyallup river.

(d) Legislative members of the work group 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.

(e) The expenses of the work group, other than travel expenses of legislative members, shall be paid within existing funds from the department of fish and wildlife.

(f) The work group shall present its findings and recommendations to the appropriate committees of the legislature by January 1, 2009.

(g) This subsection expires January 1, 2009.

(38) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

(39) Within the appropriations in this section, specific funding is provided to implement Engrossed Senate Bill No. 6821 (fish and wildlife information).

(40) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6227 (outer coast marine resources committees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(41) \$115,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6231 (marine protected areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 1205.** 2009 c 4 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2008)	\$50,328,000
General Fund--State Appropriation (FY 2009)	(( <del>\$48,695,000</del> ))
	<u>\$65,720,000</u>

General Fund--Federal Appropriation. . . . .	\$27,855,000
General Fund--Private/Local Appropriation.. . . .	\$1,408,000
Forest Development Account--State Appropriation.. . . .	<del>(\$57,603,000)</del>
	<u>\$57,647,000</u>
Off-Road Vehicle Account--State Appropriation.. . . .	\$4,196,000
Surveys and Maps Account--State Appropriation. . . . .	\$2,523,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$7,897,000
Resources Management Cost Account--State Appropriation. . . . .	<del>(\$94,633,000)</del>
	<u>\$95,426,000</u>
Surface Mining Reclamation Account--State Appropriation. . . . .	\$3,279,000
Disaster Response Account--State Appropriation. . . . .	\$5,000,000
Forest and Fish Support Account--State Appropriation. . . . .	\$7,000,000
Water Quality Account--State Appropriation (FY 2008).. . . . .	\$1,348,000
Water Quality Account--State Appropriation (FY 2009).. . . . .	\$1,348,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation.. . . .	\$1,335,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation. . . . .	\$34,000
State Toxics Control Account--State Appropriation. . . . .	\$80,000
Air Pollution Control Account--State Appropriation. . . . .	\$567,000
Nonhighway and Off-Road Vehicle Activities Program Account--State Appropriation. . . . .	\$982,000
Derelict Vessel Removal Account--State Appropriation. . . . .	\$3,650,000
Agricultural College Trust Management Account--State Appropriation. . . . .	\$2,046,000
TOTAL APPROPRIATION.. . . .	<del>(\$321,807,000)</del>
	<u>\$339,669,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,043,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$13,920,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$13,542,000)~~ \$30,292,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse. The department shall compile the outcomes of these grants annually and submit them to the office of financial management by September 1 of 2008 and 2009.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental

protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$34,000 of the general fund--state appropriation for fiscal year 2008 and \$34,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$191,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to coordinate with the Puget Sound partnership to complete a final habitat conservation plan for state-owned aquatic lands and an environmental impact statement by June 2009.

(26) \$251,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(27) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to complete maps of lower Hood Canal, including subsurface geologic layers, lithology, digital layers, and maps to identify liquifiable sediments for hazard mitigation. The department shall provide a report to the appropriate committees of the legislature on maps that were produced by December 1, 2008.

(28) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

(29) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to supplement other available funds for an analysis of whether forest practices rules (including rules for harvest on potentially unstable slopes, road construction and maintenance, and post-harvest slash treatment) effectively protect public resources and public safety from landslides, and other storm-related impacts. The analysis is to be accomplished using the forest practices board adaptive management process. The cooperative monitoring, evaluation, and research (CMER) committee of the adaptive management program shall submit a report of its preliminary analysis and conclusions to the appropriate committees of the legislature by December 1, 2008. The forest practices board shall submit a complete report of the CMER study on the effectiveness of current prescriptions and practices by June 30, 2009. This amount is ongoing solely to make improvements to the state's geological survey.

(30) \$26,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2472 (recreational opportunities).

**Sec. 1206.** 2009 c 4 s 311 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund--State Appropriation (FY 2008) . . . . .	\$370,000
General Fund--State Appropriation (FY 2009) . . . . .	\$560,000
General Fund--Federal Appropriation. . . . .	\$2,655,000
General Fund--Private/Local Appropriation. . . . .	\$2,500,000
Aquatic Lands Enhancement Account--State Appropriation. . . . .	\$500,000
Water Quality Account--State Appropriation (FY 2008) . . . . .	\$3,660,000
Water Quality Account--State Appropriation (FY 2009) . . . . .	<del>(\$4,098,000)</del>
	<u>\$3,898,000</u>
State Toxics Account--State Appropriation. . . . .	<del>(\$1,510,000)</del>
	<u>\$1,710,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$15,853,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the water quality account--state appropriation for fiscal year 2008, ~~(\$1,400,000)~~ \$1,200,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$370,000 of the general fund--state appropriation for fiscal year 2008, \$560,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in ~~(LEAP)~~ OFM document ~~((PSAT-2007))~~ PSP-2009.

(4) \$305,000 of the water quality account--state appropriation for fiscal year 2009 ~~((and \$305,000 of the general fund--federal appropriation are))~~ is provided solely for an outcome monitoring program first for Puget Sound and Washington's coastline and then across the remaining salmon recovery regions across the state.

(5) \$852,000 of the water quality account--state appropriation for fiscal year 2008, \$231,000 of the water quality account--state appropriation for fiscal year 2009, and \$900,000 of the state toxics control account appropriation are provided solely for development and implementation of the 2020 action agenda.

**PART XIII  
TRANSPORTATION**

**Sec. 1301.** 2009 c 4 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2008)	\$38,968,000
General Fund--State Appropriation (FY 2009)	<del>(\$28,334,000)</del>
	<u>\$32,288,000</u>
General Fund--Federal Appropriation	\$5,629,000
General Fund--Private/Local Appropriation	\$1,223,000
Death Investigations Account--State Appropriation	<del>(\$5,680,000)</del>
	<u>\$5,681,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,476,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,687,000
Enhanced 911 Account--State Appropriation	\$572,000
County Criminal Justice Assistance Account--State Appropriation	\$3,133,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,222,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation	\$2,000
Fire Service Training Account--State Appropriation	\$8,010,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$495,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,007,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$4,429,000
Fingerprint Identification Account--State Appropriation	\$10,057,000
<b>TOTAL APPROPRIATION</b>	<del>(\$115,109,000)</del>
	<u>\$119,064,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) \$350,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for efforts to reduce the number of convicted offender biological samples awaiting DNA analysis.

(6) Within the appropriations in this section, specific funding is provided to implement Second Substitute Senate Bill No. 5642 (cigarette ignition).

**PART XIV  
EDUCATION**

**Sec. 1401.** 2009 c 4 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund--State Appropriation (FY 2008)	\$36,444,000
General Fund--State Appropriation (FY 2009)	<del>(\$38,605,000)</del>
	<u>\$38,708,000</u>
General Fund--Federal Appropriation	\$77,182,000
<b>TOTAL APPROPRIATION</b>	<del>(\$152,231,000)</del>
	<u>\$152,334,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$11,920,000)~~ \$10,152,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$12,019,000)~~ of the general fund--state appropriation for fiscal year 2009 are for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-

based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(2) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$815,000)~~) \$796,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: (a) Develop a comprehensive set of recommendations for an accountability system; (b) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (c) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

(3) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$6,248,000)~~) \$5,808,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

(a) \$930,000 in fiscal year 2008 and \$1,257,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (3)(a), the professional educator standards board shall: (i) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (ii) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (iii) create a new professional level teacher assessment; (iv) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; (v) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and (vi) test implementation of a revised teacher preparation program approach that is classroom experience-intensive and performance-based;

(b) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$3,966,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (3)(b):

(i) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(ii) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education;

(iii) Remaining amounts in this subsection (3)(b) shall be used to continue existing alternative routes to certification programs; and

(iv) Candidates seeking math and science endorsements under (i) and (ii) of this subsection (3)(b) shall receive priority for funding;

(c) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation);

(d) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$110,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (3) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

(e) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(4) Within the amounts appropriated in this section, funding is for the professional educator standards board (PESB) to convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students, pursuant to Second Substitute Senate Bill No. 6673 (student learning opportunities).

(5) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$1,975,000 of the general fund--state appropriation for fiscal year 2009 are for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(6) Within the amounts appropriated in this section, funding is for direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(7) Within the amounts appropriated in this section, funding is for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(8) Within the amounts appropriated in this section, funding is for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(9) Within the amounts appropriated in this section, funding is to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(10) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems).

(11) Within the amounts appropriated in this section, funding is for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents).

(13) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools).

(15) Within the amounts appropriated in this section, funding is for a program to recognize the work of outstanding classified staff in school districts throughout the state.

(16) Within the amounts appropriated in this section, funding is for a full-time director of skills centers within the office of the superintendent of public instruction.

(17) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

(a) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

(b) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

(18) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct educational research studies. The WSU-SESRC shall:

(a) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: (i) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (ii) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (iii) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (iv) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

(b) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

(19) Within the amounts appropriated in this section, funding is for additional costs incurred by the state board of education in reviewing proposed math standards and curriculum.

(20) During the 2007-09 biennium, to the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(21) Within the amounts appropriated in this section, funding is for a comprehensive analysis of math and science teacher supply and demand issues by the professional educator standards board. By December 1, 2008, the professional educator standards board shall submit a final report to the governor and appropriate policy and fiscal committees of the legislature, that includes, but is not limited to: (a) Specific information on the current number of math and science teachers assigned to teach mathematics and science both with and without appropriate certification in those subjects by region and statewide; (b) projected demand information by detailing the number of K-12 mathematics and science teachers needed by the 2010-11 school year by region and statewide; (c) specific recommendations on how the demand will be met through recruitment programs, alternative route certification programs, potential financial incentives, retention strategies, and other efforts; and (d) identification of strategies, based on best practices, to improve the rigor and productivity of state-funded mathematics and science teacher preparation programs. As part of the final report, the professional educator standards board and the Washington state institute for public policy shall provide information from a study of differential pay for teachers in high-demand subject areas such as mathematics and science, including the design, successes, and limitations of differential pay programs in other states. In order for the professional educator standards board to quantify demand, each school district shall provide to the board, by a date and in a format specified by the board, the number of teachers assigned to teach mathematics and science, both with and without appropriate certification and endorsement in those subjects, and the number of mathematics and science teaching vacancies needing to be filled, and the board shall include this data, by district, in its analysis.

(22) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6556 (anaphylactic policy).

(23) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6742 (guidelines for students with autism) and Substitute Senate Bill No. 6743 (training for students with autism).

(24) Within the appropriations in this section, specific funding is provided for the implementation of Second Engrossed Substitute Senate Bill No. 5100 (health insurance information for students).

(25) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2722 (achievement gap for African-American students). The center for the improvement of student learning will convene an advisory committee to conduct a detailed analysis of the achievement gap for African-American students; recommend a comprehensive plan for closing the gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. A study update shall be submitted by September 15, 2008, and the committee's final report shall be submitted by December 30, 2008, to the superintendent of public instruction, the state board of education, the governor, the P-20 council, the basic education finance task force, and the education committees of the legislature.

(26) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2598 (online mathematics curriculum).

(27) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2635 (school district boundaries and organization).

(28) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 3129 (online learning programs for high school students to earn college credit).

(29) Within the amounts appropriated in this section, funding is for the office of superintendent of public instruction to assign at least one full-time equivalent staff position to serve as the world language supervisor.

(30) Within the amounts appropriated in this section, funding is for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(31) Within the amounts appropriated in this section, funding is for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(a) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(b) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(32) Within the amounts appropriated in this section, funding is for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(33) Within the amounts appropriated in this section, funding is for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(34) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(35) Within the amounts appropriated in this section, funding is for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(36) Within the amounts appropriated in this section, funding is for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(37) Within the amounts appropriated in this section, funding is for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools (a) conduct at least one lockdown and one shelter in place safety drill each school year, and (b) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

(38) Within the amounts appropriated in this section, funding is for the Washington state school directors' association to mediate and facilitate a school disciplinary action task force to review and make recommendations on a model policy regarding the use of physical force in schools. The model policy shall be submitted to the appropriate policy committees of the legislature by November 1, 2008.

(39) Within the amounts appropriated in this section, funding is for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(40) The office of the superintendent of public instruction shall coordinate, in collaboration with educational service districts, a system of outreach to school districts not currently maximizing their eligibility for federal e-rate funding through the schools and libraries program administered by the federal communications commission. By December 15, 2008, the office of the superintendent of public instruction shall issue a report to the fiscal committees of the legislature identifying school districts that were eligible but did not apply for e-rate funding for the last two years, and an estimate of the amounts for which they were eligible in those years. The report shall also include recommendations for following-up on the findings relative to the e-rate program contained in the state auditor's performance audit of educational service districts completed September, 2007.



(41) Within the amounts appropriated in this section, funding is to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016.

(42) Within the amounts appropriated in this section, funding is for operation of the Cispus environmental learning center.

(43) Within the amounts appropriated in this section, funding is for vocational student leadership organizations.

(44) Within the amounts appropriated in this section, funding is for the Washington civil liberties education program.

(45) Within the amounts appropriated in this section, funding is for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(46) Within the amounts appropriated in this section, funding is for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(47) Within the amounts appropriated in this section, funding is for developing and disseminating curriculum and other materials documenting women's role in World War II.

(48) Within the amounts appropriated in this section, funding is for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(49) Within the amounts appropriated in this section, funding is for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(50) Within the amounts appropriated in this section, funding is for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

(51) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval).

(52) Within the amounts appropriated in this section, funding is for the communities in school program in Pierce county.

(53) Within the amounts appropriated in this section, funding is for support and expansion of the mentoring advanced placement program in current operation in southwest Washington.

(54) Within the amounts appropriated in this section, funding is for program initiatives to address the educational needs of Latino students and families. The office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (a) Early childhood education; (b) parent leadership training; and (c) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop-out rates and college readiness rates, for Latino students.

(55) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2870 (professional development for instructional assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(56) Within the amounts appropriated in this section, funding is for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. The office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

(57) In addition to other reductions, the reduced appropriations in this section reflect an additional (~~(\$225,000)~~) \$122,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1402.** 2009 c 4 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2008).	\$4,436,719,000
General Fund--State Appropriation (FY 2009).	<del>(\$4,477,998,000)</del>
	<u>\$4,510,419,000</u>
Education Legacy Trust Account--State Appropriation.	<del>(\$9,373,000)</del>
	<u>\$9,387,000</u>
Pension Funding Stabilization Account Appropriation.	\$341,624,000
TOTAL APPROPRIATION.	<del>(\$9,265,714,000)</del>
	<u>\$9,298,149,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced

for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
- (iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade

4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.11 percent in the 2007-08 school year and 16.75 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.04 percent in the 2007-08 school year and 18.72 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$10,178 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,999 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$19,395 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment).

(10) The superintendent may distribute a maximum of ~~(\$16,620,000)~~ \$16,634,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$567,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$393,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) ~~(\$9,373,000)~~ \$9,387,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers).

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 6.0 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) The appropriation levels in part V of this act assume implementation of the reimbursement provisions of Senate Bill No. 6450 (school district reimbursement of performance audits).

**Sec. 1403.** 2008 c 329 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2008).	\$161,280,000
General Fund--State Appropriation (FY 2009).	<del>(\$405,228,000)</del>
	<u>\$407,478,000</u>
General Fund--Federal Appropriation.	<del>(\$275,000)</del>
	<u>\$276,000</u>
<b>TOTAL APPROPRIATION.</b>	<del>(\$566,783,000)</del>
	<u>\$569,034,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$500,195,000)~~ \$502,039,000 is provided solely for the following:

(a) A cost of living adjustment of 3.7 percent effective September 1, 2007, and another 3.9 percent effective September 1, 2008, pursuant to Initiative Measure No. 732.

(b) An additional .5 percent cost of living adjustment is provided above the amount required by Initiative Measure No. 732, effective September 1, 2008.

(c) Additional salary increases as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary increases shall be provided to all 262 districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule. These additional salary increases will result in a decrease in the number of grandfathered districts from the current thirty-four to twenty-four in the 2007-08 school year and to twelve in the 2008-09 school year.

(d) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases shall ensure a minimum salary allocation for certificated administrative staff of \$54,405 in the 2007-08 school year and \$57,986 in the 2008-09 school year.

(e) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases ensure a minimum salary allocation for classified staff of \$30,111 in the 2007-08 school year and \$31,865 in the 2008-09 school year.

(f) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.47 percent for the 2007-08 school year and 16.11 percent for the 2008-09 school year for certificated staff and 13.54 percent for the 2007-08 school year and 15.22 percent for the 2008-09 school year for classified staff.

(g) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(h) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$1.08	\$2.46
Highly Capable (per formula student)	\$11.13	\$25.51
Transitional Bilingual Education (per eligible bilingual student)	\$29.80	\$68.33
Learning Assistance (per formula student)	\$7.00	\$18.86

(i) The appropriations in this section include \$925,000 for fiscal year 2008 and ~~(\$2,314,000)~~ \$2,322,000 for fiscal year 2009 for salary increase adjustments for substitute teachers.

(2) (~~(\$66,591,000)~~) \$66,719,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$682.54 per month for the 2007-08 and 2008-09 school years. The appropriations in this section provide for a rate increase to \$707.00 per month for the 2007-08 school year and \$732.00 per month for the 2008-09 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	\$1.50	\$3.05
Transitional Bilingual Education (per eligible bilingual student)	\$3.96	\$8.01
Learning Assistance (per formula student)	\$0.86	\$2.05

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1404.** 2008 c 329 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2008). . . . .	\$273,409,000
General Fund--State Appropriation (FY 2009). . . . .	<del>(\$276,510,000)</del>
	<u>\$291,499,000</u>
Education Legacy Trust Account--State Appropriation. . . . .	\$25,000,000
TOTAL APPROPRIATION. . . . .	<del>(\$574,919,000)</del>
	<u>\$589,908,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$848,000 of this fiscal year 2008 appropriation and a maximum of \$878,000 of the fiscal year 2009 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.84 per weighted mile in the 2007-08 school year and \$45.68 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$25,000,000 of the education legacy trust account--state appropriation is provided solely for temporary assistance to school districts for pupil transportation programs. The office of the superintendent of public instruction, in consultation with the joint legislative audit and review committee, will develop a method of allocating these funds to school districts. The allocation method shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

**Sec. 1405.** 2008 c 329 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008). . . . .	\$543,469,000
General Fund--State Appropriation (FY 2009). . . . .	<del>(\$581,925,000)</del>
	<u>\$580,312,000</u>
General Fund--Federal Appropriation. . . . .	<del>(\$435,692,000)</del>
	<u>\$438,852,000</u>
Education Legacy Trust Account--State Appropriation. . . . .	\$14,561,000
TOTAL APPROPRIATION. . . . .	<del>(\$1,575,647,000)</del>
	<u>\$1,577,194,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall adopt the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, and ensure that all school districts adopt the method beginning in the 2007-08 school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, (~~(\$53,926,000)~~ \$56,553,000) of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center. Within the appropriations in this section there is sufficient funding provided to also provide at least a half-time support staff position for the special education ombudsman program.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high- cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

**Sec. 1406.** 2008 c 329 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2008).	\$203,555,000
General Fund--State Appropriation (FY 2009).	<del>(\$220,100,000)</del>
	<u>\$224,514,000</u>
TOTAL APPROPRIATION.	<del>(\$423,655,000)</del>
	<u>\$428,069,000</u>

**Sec. 1407.** 2008 c 329 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008).	\$19,105,000
General Fund--State Appropriation (FY 2009).	<del>(\$19,764,000)</del>
	<u>\$21,664,000</u>
TOTAL APPROPRIATION.	<del>(\$38,869,000)</del>
	<u>\$40,769,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$187,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$133,797)~~) \$329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**Sec. 1408.** 2008 c 329 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2008).	\$8,383,000
General Fund--State Appropriation (FY 2009).	<del>(\$8,788,000)</del>
	<u>\$8,776,000</u>
TOTAL APPROPRIATION.	<del>(\$17,171,000)</del>
	<u>\$17,159,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$372.15 per funded student for the 2007-08 school year and (~~(\$378.13)~~) \$378.32 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**Sec. 1409.** 2008 c 329 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2008).	\$65,595,000
General Fund--State Appropriation (FY 2009).	<del>(\$69,566,000)</del>
	<u>\$68,924,000</u>
General Fund--Federal Appropriation.	\$45,243,000
TOTAL APPROPRIATION.	<del>(\$180,398,000)</del>
	<u>\$179,762,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$824.12 per eligible bilingual student in the 2007-08 school year and \$840.64 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of the superintendent of public instruction shall not make exit of the transitional bilingual program contingent on passing both the Washington language proficiency test and the Washington assessment of student learning without prior legislative approval.

**Sec. 1410.** 2009 c 4 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2008).	\$66,272,000
General Fund--State Appropriation (FY 2009).	<del>(\$84,636,000)</del>
	<u>\$84,663,000</u>



Education Legacy Trust Account--State Appropriation.....	\$117,890,000
General Fund--Federal Appropriation.....	<del>(\$152,568,000)</del>
	<u>\$158,499,000</u>
TOTAL APPROPRIATION.....	<del>(\$421,366,000)</del>
	<u>\$427,324,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,716,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$20,948,000)~~ \$22,096,000 of the general fund--state appropriation for fiscal year 2009, \$1,350,000 of the education legacy trust account--state appropriation, and ~~(\$15,870,000)~~ \$18,236,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. In addition to the amounts provided for the Washington assessments of student learning in this subsection, \$11,372,000 is also included in the appropriations to the office of financial management in this act for an interagency agreement with the office of superintendent of public instruction for the expenditure of those funds based on compliance with certain requirements.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute House Bill No. 3166 (design of the state assessment system and the Washington assessment of student learning), including section 3 of the act providing for end-of-course tests in math. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$1,630,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, subject to the following terms and conditions:

(a) A maximum of \$2,540,000 of the funding provided in this subsection shall support the development and implementation of voluntary classroom-based diagnostic assessments and progress monitoring tools for all subject areas included in the WASL by the office of the superintendent of public instruction; and

(b) \$2,360,000 of the funding provided in this subsection is for allocations to school districts to purchase assessment tools which supplement the system of diagnostic tests developed by the office of the superintendent of public instruction as described in (a) of this subsection.

(4) Within the amounts appropriated in this section, funding is for second grade assessments.

(5) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 (~~and~~) is provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(6) \$1,966,000 of the general fund--state appropriation for fiscal year 2009 and \$2,337,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

(7) \$8,950,000 of the education legacy trust account appropriation is for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(8) \$13,058,000 of the education legacy trust fund appropriation is for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(9) \$17,491,000 of the education legacy trust fund appropriation is for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

(10) \$5,376,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

(11) \$1,133,000 of the general fund--state appropriation for fiscal year 2008 and \$1,133,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(12) Within the amounts appropriated in this section, funding is for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(13) Within the amounts appropriated in this section, funding is for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(14) \$51,701,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a

recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

(15) Within the amounts appropriated in this section, funding is for support of a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

(16) Within the amounts appropriated in this section, funding is for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(18) Within the amounts appropriated in this section, funding is for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

(19) Within the amounts appropriated in this section, funding is for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(20) Within the amounts appropriated in this section, funding is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(21) Within the amounts appropriated in this section, funding is for the leadership internship program for superintendents, principals, and program administrators.

(22) \$105,765,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(23) Within the amounts appropriated in this section, funding is for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(24) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(25) Within the amounts appropriated in this section, funding is for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(26) Within the amounts appropriated in this section, funding is for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding

successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

(27) Within the amounts appropriated in this section, funding is for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

(28) Within the amounts appropriated in this section, funding is for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(29) Within the amounts appropriated in this section, funding is for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(30) \$30,706,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(a) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(b) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(c) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

(32) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(33) Within the amounts appropriated in this section, funding is for the elimination of the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(34) Within the amounts appropriated in this section, funding is for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

(35) Within the amounts appropriated in this section, funding is for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(36) Within the amounts appropriated in this section, funding is for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

(37) Within the amounts appropriated in this section, funding is for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(38) Within the amounts appropriated in this section, funding is for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(39) Within the amounts appropriated in this section, funding is for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(40) Within the amounts appropriated in this section, funding is for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(41) Within the amounts appropriated in this section, funding is for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

(42) Within the amounts appropriated in this section, funding is for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education).

(43)(a) Within the amounts appropriated in this section, funding is for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009. Beginning in the 2007-2008 school year and thereafter, national board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;

(ii) During the 2007-2008 school year, for national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum. Beginning in the 2008-2009 school year and thereafter, an additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. Unless Senate Bill No. 6657 (salary bonuses for individuals certified by the national board for professional teaching standards) is enacted by June 30, 2008, the annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "the percent of the student headcount enrollment eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program meets the criteria specified in subsection (41)(a)(ii) of this section; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

(44) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6377 (career and technical education).

(45) \$3,900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for an allocation of four dollars and nine cents per full-time equivalent student, or as much as the funding in this subsection will allow, to maintain and improve library materials, collections, and services. The funding provided in this subsection shall be used to augment current funding for librarian programs provided through basic education and other existing funding mechanisms. In order to receive allocations under this section, school districts must agree that to the maximum extent possible they will ensure that library programs and services are equitably provided throughout the district.

(46) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6483 (local farms-healthy kids and communities).

(47) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which requires the office of the superintendent of public instruction to explore online curriculum support in languages other than English.

(48) Within the amounts appropriated in this section, funding is for grants to five skills centers to develop and plan for implementation of integrated English language development/career skills programs that pair English language development teachers with career/technical education instructors in the classroom. The office of the superintendent of public instruction and skill center staff shall work with the state board for community and technical colleges I-BEST program staff and local community and technical college program staff to develop the program to assure critical program elements are included and that the skill center programs provide a seamless transition for high school students to the community and technical college programs for students choosing that pathway. The request for proposal or grant application shall be issued no later than May 1, 2008, so that grant recipients can begin program planning and development efforts on July 1, 2008. The superintendent of public instruction shall provide the resulting implementation plans to the governor and the appropriate committees of the legislature by November 1, 2008.

(49) Within the amounts appropriated in this section, funding is for support of public high schools' participation in the FIRST robotics program. The office of the superintendent of public instruction shall issue grants not to exceed \$10,000 per school to be used for teacher stipends, registration fees, equipment, and other costs associated with direct participation in the program. High-poverty schools and schools starting up robotics programs shall be given priority in funding.

(50) In addition to other reductions, the reduced appropriations in this section reflect an additional (~~(\$499,000)~~) \$602,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

**Sec. 1411.** 2009 c 4 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008). . . . .	\$68,381,000
General Fund--State Appropriation (FY 2009). . . . .	<del>(\$84,654,000)</del>
	<u>\$86,268,000</u>
General Fund--Federal Appropriation. . . . .	\$360,660,000
Education Legacy Trust Account--State Appropriation. . . . .	\$45,953,000
TOTAL APPROPRIATION. . . . .	<del>(\$559,648,000)</del>
	<u>\$561,262,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$220.34 per funded student for the 2007-08 school year and \$265.08 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(e) If Second Substitute Senate Bill No. 6673 (student learning opportunities) is enacted by June 30, 2008, in addition to the amounts allocated in (b), (c), and (d) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students beginning in the 2008-2009 school year, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (e)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (e)(i) of this subsection, 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.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(6) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which establishes the extended learning program to provide additional instructional services for eligible students in grades eight, eleven, and twelve during the regular school day, evenings, on weekends, or at other times in order to meet the needs of these students. This funding is in addition to the estimated \$986,000 of associated compensation increases associated with this legislation in section 504 of this act.

**Sec. 1412.** 2009 c 4 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation (FY 2008) . . . . .	\$423,369,000
Student Achievement Account--State Appropriation (FY 2009) . . . . .	( <del>(\$436,910,000)</del> )
	<u>\$74,910,000</u>
<u>General Fund--Federal Appropriation</u> . . . . .	<u>\$362,000,000</u>
<b>TOTAL APPROPRIATION</b> . . . . .	<b>\$860,279,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and \$458.10 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly schedule defined in RCW 28A.505.220.

**PART XV  
HIGHER EDUCATION**

**Sec. 1501.** 2009 c 4 s 603 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2008) . . . . .	\$373,726,000
General Fund--State Appropriation (FY 2009) . . . . .	\$358,727,000
General Fund--Private/Local Appropriation . . . . .	( <del>(\$300,000)</del> )
	<u>\$350,000</u>
Education Legacy Trust Account--State Appropriation . . . . .	\$43,181,000
Accident Account--State Appropriation . . . . .	\$6,513,000
Medical Aid Account--State Appropriation . . . . .	\$6,371,000
<b>TOTAL APPROPRIATION</b> . . . . .	<b>(<del>(\$788,818,000)</del>)</b>
	<u>\$788,868,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university

shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;

(d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;

(f) Improve the freshman retention rate to 93.0 percent;

(g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the



Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

- (a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:
  - (i) Variable costs such as fuel, etc;
  - (ii) Quasi-variable costs such as:
    - (A) Tires, brakes, wrappers, and other safety related equipment;
    - (B) Vehicle insurance, taxes, fees, etc;
    - (C) Maintenance costs such as oil, lubrication, and minor repairs; and
    - (D) Depreciation and replacement costs;
- (b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;
- (c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;
- (d) An evaluation of comparable trucking services; and
- (e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

- (i) A financial summary of the endowment program;
- (ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;
- (iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and
- (iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(22) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(23) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to establish an e-Science institute that will provide infrastructure and consulting expertise to university researchers in advanced computational techniques needed to capture, store, organize, access, mine, visualize, and interpret massive data sets.

(24) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for incentive grants to support medical research or medical training projects focused upon improvement of services to persons with developmental disabilities. The university shall report to

appropriate committees of the legislature by December 1, 2008, on incentive grants awarded, and other efforts to improve training for medical students in treating persons with developmental disabilities.

(25) When implementing reductions in fiscal year 2009, the University of Washington shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

**Sec. 1502.** 2009 c 4 s 606 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008). . . . .	\$47,691,000
General Fund--State Appropriation (FY 2009). . . . .	(( <del>\$45,272,000</del> ))
	<u>\$45,275,000</u>
Education Legacy Trust Account--State Appropriation. . . . .	\$16,219,000
Pension Funding Stabilization Account Appropriation. . . . .	\$4,330,000
TOTAL APPROPRIATION. . . . .	(( <del>\$113,512,000</del> ))
	<u>\$113,515,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(8) When implementing reductions in fiscal year 2009, Central Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

**Sec. 1503.** 2009 c 4 s 609 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2008). . . . .	\$7,008,000
General Fund--State Appropriation (FY 2009). . . . .	\$6,533,000
General Fund--Federal Appropriation. . . . .	\$4,333,000
TOTAL APPROPRIATION. . . . .	\$17,874,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((\$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students))~~ Within the funds appropriated in this section, the board shall maintain and update a scholarship clearing house that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

~~(2) ((\$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of))~~ Within the funds appropriated in this section, the board shall implement Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~(3) ((\$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of))~~ Within the funds appropriated in this section, the board shall implement Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~(4) ((\$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of))~~ Within the funds appropriated in this section, the board shall implement conditional scholarships.

~~(5) (Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1:~~

~~(6))~~ \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The higher education coordinating board shall:

- (a) Develop the study in collaboration with the state board for community and technical colleges, four-year universities, and the Washington independent colleges;
- (b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;
- (c) Estimate operational and capital costs of the additional capacity; and
- (d) Report findings to the legislature on October 1, 2008.

~~((7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to))~~ (6) Within the funds appropriated in this section, the board shall prepare a program and operating plan for a higher education center in the Kitsap county area. The plan shall be developed in consultation with an advisory committee of civic, business, and educational leaders from Clallam, Jefferson, Kitsap, and Mason counties. It shall include a projection of lower and upper division and graduate enrollment trends in the study area; a review of assessments of employer needs; an inventory of existing and needed postsecondary programs; recommended strategies for promoting active program participation in and extensive program offerings at the center by public and private baccalaureate institutions; and an estimate of operating and capital costs for the creation and operation of the center. The board shall submit its findings and recommendations to the governor and legislature by December 1, 2008.

~~((8) \$60,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of))~~ (7) Within the funds appropriated in this section, the board shall implement Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((9))~~ (8) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~((10) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the higher education coordinating board to))~~ (9) Within the funds appropriated in this section, the board shall convene interested parties from Snohomish, Island, and Skagit counties to consider the November 2007 site options and recommendations for a new campus of the University of Washington in Snohomish county. The three local communities shall develop a consensus recommendation on a single preferred site and present the recommendation to the higher education coordinating board. The higher education coordinating board shall then present the single preferred site recommendation to the appropriate legislative fiscal and policy committees by December 1, 2008.

**Sec. 1504.** 2009 c 4 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2008). . . . .	\$163,286,000
General Fund--State Appropriation (FY 2009). . . . .	\$188,498,000

General Fund--Federal Appropriation. . . . .	\$13,113,000
Education Legacy Trust Account--State Appropriation. . . . .	<del>(\$108,188,000)</del>
	<u>\$106,588,000</u>
TOTAL APPROPRIATION. . . . .	<del>(\$473,085,000)</del>
	<u>\$471,485,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,760,000 of the general fund--state appropriation for fiscal year 2008, \$178,707,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) ~~(\$2,336,000)~~ \$736,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection (a) shall be prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) shall be allocated between loan repayments and scholarships proportional to current program allocations.

**Sec. 1505.** 2009 c 4 s 613 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2008). . . . .	\$62,362,000
General Fund--State Appropriation (FY 2009). . . . .	\$69,120,000
General Fund--Federal Appropriation. . . . .	<del>(\$192,192,000)</del>
	<u>\$201,512,000</u>

General Fund--Private/Local Appropriation.....	\$6,000
TOTAL APPROPRIATION.....	(( <del>\$323,680,000</del> ))
	<u>\$333,000,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and \$1,825,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008. Prior to statewide implementation of the quality rating and improvement system, the department of early learning shall present the system to the legislature and the legislature shall formally approve the implementation of the system through the omnibus appropriations act or by statute or concurrent resolution.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$500,000)~~) \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,100,000)~~) \$1,025,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(11) The department, in conjunction with the early learning advisory council, shall report by June 30, 2009, to the governor and the appropriate committees of the legislature regarding the following:

(a) Administration of the state training and registry system, including annual expenditures, participants, and average hours of training provided per participant; and

(b) An evaluation of the child care resource and referral network in providing information to parents and training and technical assistance to child care providers.

(12) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department of early learning to work with the office of the superintendent of public instruction, and collaborate with thrive by five Washington, to study and make recommendations regarding the implementation of a statewide kindergarten entry assessment. The department and the office of the superintendent of public

instruction shall jointly submit a report with recommendations for implementing the kindergarten entry assessment to the governor and the appropriate committees of the legislature by December 15, 2008. In the study and development of the recommendations, the department shall:

- (a) Consult with early learning experts, including research and educator associations, early learning and kindergarten teachers, and Washington Indian tribes;
  - (b) Identify a preferred kindergarten entry assessment based on research and examples of other assessments, and which is sensitive to cultural and socioeconomic differences influencing the development of young children;
  - (c) Recommend a plan for the use of the assessment in a pilot phase and a voluntary use phase, and recommend a time certain when school districts must offer the assessment;
  - (d) Recommend how to report the results of the assessment to parents, the office of the superintendent of public instruction, and the department of early learning in a common format, and for a methodology for conducting the assessments;
  - (e) Analyze how the assessment could be used to improve instruction for individual students entering kindergarten and identify whether and how the assessment results could be used to improve the early learning and K-12 systems, including the transition between the systems;
  - (f) Identify the costs of the assessment, including the time required to administer the assessment; and
  - (g) Recommend how to ensure that the assessment shall not be used to screen or otherwise preclude children from entering kindergarten if they are otherwise eligible.
- (14) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for encouraging private match investment for innovative, existing local early learning coalitions to achieve one or more of the following:
- (a) Increase communities' abilities to implement their business plans for comprehensive local and regional early learning systems;
  - (b) Involve parents in their children's education;
  - (c) Enhance coordination between the early childhood and K-12 system; or
  - (d) Improve training and support for raising the level of child care givers' professional skills to ensure that children are healthy and ready to succeed in school and life.

**Sec. 1506.** 2009 c 4 s 614 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2008).	\$5,969,000
General Fund--State Appropriation (FY 2009).	<del>(\$6,069,000)</del>
	<u>\$6,135,000</u>
General Fund--Private/Local Appropriation.	\$1,561,000
TOTAL APPROPRIATION.	<del>(\$13,599,000)</del> <u>\$13,665,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to defend the state's interpretive position in the case of *Delyria & Koch v. Washington State School for the Blind*.
- (2) \$5,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

**Sec. 1507.** 2009 c 4 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2008).	\$8,858,000
General Fund--State Appropriation (FY 2009).	<del>(\$8,764,000)</del>
	<u>\$8,792,000</u>
General Fund--Private/Local Appropriation.	\$316,000
TOTAL APPROPRIATION.	<del>(\$17,938,000)</del> <u>\$17,966,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$84,000 of the general fund--private/local appropriation for fiscal year 2009 is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.
- (2) \$9,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

**Sec. 1508.** 2009 c 4 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2008).	\$2,548,000
General Fund--State Appropriation (FY 2009).	<del>(\$2,454,000)</del>
	<u>\$2,434,000</u>
General Fund--Federal Appropriation.	<del>(\$1,382,000)</del>
	<u>\$1,518,000</u>
General Fund--Private/Local Appropriation.	\$154,000

TOTAL APPROPRIATION..... ~~(\$6,538,000)~~  
\$6,654,000

**PART XVI  
 SPECIAL APPROPRIATIONS**

**Sec. 1601.** 2008 c 329 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2008). . . . . \$823,274,000  
 General Fund--State Appropriation (FY 2009). . . . . ~~(\$696,324,000)~~  
\$690,224,000  
 State Building Construction Account--State Appropriation. . . . . \$11,970,000  
 Columbia River Basin Water Supply Development Account--State Appropriation. . . . . \$148,000  
 Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation. . . . . \$23,000  
 State Taxable Building Construction Account--State Appropriation. . . . . \$513,000  
 Gardner-Evans Higher Education Construction Account--State Appropriation. . . . . \$1,902,000  
 Debt-Limit Reimbursable Bond Retire Account--State Appropriation. . . . . ~~(\$2,589,000)~~  
\$2,590,000  
 TOTAL APPROPRIATION. . . . . ~~(\$1,536,743,000)~~  
\$1,530,644,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2008 shall be expended into the debt-limit general fund bond retirement account by June 30, 2008.

**Sec. 1602.** 2008 c 329 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account--State Appropriation. . . . . \$22,535,000  
 Accident Account--State Appropriation. . . . . ~~(\$5,135,000)~~  
\$5,136,000  
 Medical Aid Account--State Appropriation. . . . . ~~(\$5,135,000)~~  
\$5,136,000  
 TOTAL APPROPRIATION. . . . . ~~(\$32,805,000)~~  
\$32,807,000

**Sec. 1603.** 2008 c 329 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2008). . . . . \$26,848,000  
 General Fund--State Appropriation (FY 2009). . . . . ~~(\$27,728,000)~~  
\$27,729,000  
School Construction and Skills Centers Building Account--State Appropriation. . . . . \$50,000  
 Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation. . . . . ~~(\$135,967,000)~~  
\$136,147,000  
 TOTAL APPROPRIATION. . . . . ~~(\$190,543,000)~~  
\$190,774,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2008 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2008.

**Sec. 1604.** 2008 c 329 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2008). . . . . \$750,000  
 General Fund--State Appropriation (FY 2009). . . . . \$750,000  
 State Building Construction Account--State Appropriation. . . . . \$1,546,000  
 Columbia River Basin Water Supply Development Account--State Appropriation. . . . . \$17,000  
 Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation. . . . . \$3,000

State Taxable Building Construction Account--State Appropriation.....	\$122,000
Gardner-Evans Higher Education Construction Account--State Appropriation.....	\$452,000
School Construction and Skills Centers Building Account--State Appropriation.....	\$9,000
<u>TOTAL APPROPRIATION.....</u>	<u>(\$3,640,000)</u>
	\$3,649,000

**Sec. 1605.** 2008 c 329 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL**

Disaster Response Account--State Appropriation.....	(\$8,500,000)
	\$9,500,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for any Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

**Sec. 1606.** 2008 c 329 s 706 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY**

General Fund--State Appropriation (FY 2008).....	\$6,500,000
General Fund--State Appropriation (FY 2009).....	(\$2,000,000)
	\$3,000,000
<u>TOTAL APPROPRIATION.....</u>	<u>(\$8,500,000)</u>
	\$9,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

**Sec. 1607.** 2008 c 329 s 707 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) George E. Linkenhoker, claim number SCJ 2008-01.....	\$24,628
(b) Charles A. Gardner, claim number SCJ 2008-02.....	\$ 2,715
(c) Judd Hurst, claim number SCJ 2008-03.....	\$ 2,000
(d) Thomas J. Nelson, claim number SCJ 2008-04.....	\$ 5,000
(e) William R. Sauters, Jr., claim number SCJ 2008-05.....	\$11,408
(f) Michael E. Greene, claim number SCJ 2008-06.....	\$ 1,500
(g) Jeffery A. Cobb, claim number SCJ 2008-08.....	\$ 7,600
(h) Robert R. Park, claim number SCJ 2008-09.....	\$26,385
(i) Donald Willett, claim number SCJ 2008-11.....	\$6,600
(j) Antonio Perez, claim number SCJ 2009-01.....	\$7,179
(k) James D. Romans, claim number SCJ 2009-02.....	\$4,481
(l) Michael V. Shong, claim number SCJ 2009-03.....	\$15,118
(m) Gerald A. Tinkess, claim number SCJ 2009-04.....	\$68,865
(n) Linh D. Hguyen, claim number SCJ 2009-05.....	\$4,000
(o) Rafael R. Robinson, claim number SCJ 2009-06.....	\$7,200
(p) Anthony J. Magnesi, claim number SCJ 2009-07.....	\$74,888
(q) Jerry Startzell, claim number 99970000.....	\$12,975
(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:	
(a) David Guenther, claim number 99970001.....	\$3,660
(b) Wilbur Eaton, claim number 99970002.....	\$3,069
(c) Eaton Brothers, claim number 99970003.....	\$2,809
(d) Travis Eaton, claim number 99970004.....	\$1,532

**Sec. 1608.** 2007 c 522 s 712 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2007, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2008).....	\$46,200,000
General Fund--State Appropriation (FY 2009).....	(\$50,400,000)



	<u>\$51,122,000</u>
TOTAL APPROPRIATION.....	(( <del>\$96,600,000</del> ))
	<u>\$97,322,000</u>

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2008).....	\$9,600,000
General Fund--State Appropriation (FY 2009).....	\$10,200,000
TOTAL APPROPRIATION.....	\$19,800,000

**Sec. 1609.** 2008 c 329 s 714 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--HEALTH CARE AUTHORITY ADMINISTRATIVE ACCOUNT**

General Fund--State Appropriation (FY 2008).....	\$2,618,000
General Fund--State Appropriation (FY 2009).....	\$1,993,000
Public Safety and Education Account--State Appropriation (FY 2008).....	\$13,000
Public Safety and Education Account--State Appropriation (FY 2009).....	\$13,000
Water Quality Account--State Appropriation (FY 2008).....	\$4,000
Water Quality Account--State Appropriation (FY 2009).....	\$4,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008).....	\$1,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009).....	\$1,000
Health Services Account--State Appropriation (FY 2008).....	\$7,000
Health Services Account--State Appropriation (FY 2009).....	\$7,000
<del>((Dedicated Funds and Accounts Appropriation.....</del>	<del>-\$640,000))</del>
TOTAL APPROPRIATION.....	(( <del>\$5,301,000</del> ))
	<u>\$4,661,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for expenditure into the health care authority administrative account.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the health care authority administrative account in accordance with LEAP document number C04-2008, dated March 10, 2008. Agencies and institutions of higher education with local funds will deposit sufficient money to the health care authority administrative account.

**NEW SECTION. Sec. 1610.** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--CAPITOL BUILDING CONSTRUCTION ACCOUNT**

General Fund--State Appropriation (FY 2009).....	\$5,512,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the capitol building construction account.

**NEW SECTION. Sec. 1611.** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--HELP AMERICA VOTE ACT**

General Fund--State Appropriation (FY 2009).....	\$228,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the election account.

**NEW SECTION. Sec. 1612.** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--CLARKE-MCNARY ACCOUNT**

General Fund--State Appropriation (FY 2009).....	\$1,353,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Clarke-McNary account.

**NEW SECTION. Sec. 1613.** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS**

General Fund--State Appropriation (FY 2009).....	\$500,000
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The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute funds to Franklin county (\$87,000), Skagit county (\$13,000), Yakima county (\$15,000), Spokane county (\$99,000), and King county (\$286,000) for extraordinary criminal justice costs.

**NEW SECTION. Sec. 1614. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- OIL SPILL PREVENTION ACCOUNT**

General Fund--State Appropriation (FY 2009). . . . . \$6,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the oil spill prevention account.

**PART XVII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 1701.** 2009 c 4 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions. . . . .	(( <del>\$7,654,000</del> )) <u>\$7,499,000</u>
General Fund Appropriation for public utility district excise tax distributions. . . . .	(( <del>\$47,557,000</del> )) <u>\$46,459,000</u>
General Fund Appropriation for prosecuting attorney distributions. Of this amount, \$903,000 is provided solely for the implementation of Substitute Senate Bill No. 6297 (prosecuting attorney salaries). If the bill is not enacted by June 30, 2008, the amount provided shall lapse.. . . .	(( <del>\$4,902,000</del> )) <u>\$4,829,000</u>
General Fund Appropriation for boating safety and education distributions. . . . .	(( <del>\$4,400,000</del> )) <u>\$4,491,000</u>
General Fund Appropriation for other tax distributions. . . . .	\$48,000
General Fund Appropriation for habitat conservation program distributions. . . . .	(( <del>\$1,245,000</del> )) <u>\$2,296,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse.. . . .	\$3,775,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse.. . . .	\$2,250,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies. . . . .	(( <del>\$2,192,000</del> )) <u>\$2,352,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution. . . . .	\$148,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties. . . . .	(( <del>\$77,753,000</del> )) <u>\$65,089,000</u>
County Criminal Justice Assistance Appropriation. . . . .	(( <del>\$62,127,000</del> )) <u>\$62,778,000</u>
Municipal Criminal Justice Assistance Appropriation. . . . .	(( <del>\$24,636,000</del> )) <u>\$24,375,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution. . . . .	(( <del>\$49,397,000</del> )) <u>\$55,244,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution. . . . .	(( <del>\$82,148,000</del> )) <u>\$69,817,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution; PROVIDED: That the legislature, in making this appropriation for distribution under the formula prescribed in RCW 43.08.290 for the 2007-09 biennium, ratifies and approves the prior distributions, as certified by the department of revenue to the state treasurer, made for the 2005-07 biennium from the appropriation in section 801, chapter 372, Laws of 2006 as amended by section 1701, chapter 522, Laws of 2007. . . . .	(( <del>\$29,865,000</del> )) <u>\$20,985,000</u>
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes. . . . .	\$22,980,000
<b>TOTAL APPROPRIATION. . . . .</b>	<b>((<del>\$423,077,000</del>))</b> <b><u>\$395,415,000</u></b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1702. 2009 c 4 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS.**

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2008 and \$31,000,000 for fiscal year 2009. ....	\$41,000,000
Education Legacy Trust Account: For transfer to the state general fund for fiscal year 2009.....	\$67,000,000
Pension Funding Stabilization Account: For transfer to the state general fund for fiscal year 2009.....	\$10,000,000
Economic Development Strategic Reserve Account: For transfer to the state general fund for fiscal year 2009. ....	\$4,000,000
State Convention and Trade Center Operations Account: For transfer to the state general fund on June 30, 2009.....	\$5,000,000
State Convention and Trade Center Capital Account: For transfer to the state general fund on June 30, 2009.....	\$52,000,000
After the transfers in this section are made from the state convention and trade center operations and capital accounts, these accounts will have sufficient funds for: (1) A ten million dollar requirement for the retrofit of the museum of history and industry; (2) the requirements of RCW 67.40.040(5) and 67.40.040(6); and (3) a sufficient capital reserve. After the transfer is made, the capital reserve may be applicable for payment of debt service or operating shortfalls.	
Department of Retirement Systems Expense Account: For transfer to the state general fund for fiscal year 2009. ....	\$11,200,000
General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and ( <del>(\$12,201,000)</del> ) <u>\$7,851,000</u> for fiscal year 2009.....	<del>(\$24,401,000)</del> <u>\$20,051,000</u>
Education Legacy Trust Account: For transfer to the student achievement account for fiscal year 2009. ....	\$90,800,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed.....	<del>(\$25,000,000)</del> <u>\$24,000,000</u>
Public Works Assistance Account: For transfer to the drinking water assistance account, \$7,200,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009. ....	\$10,800,000
Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009. ....	\$50,000,000
<u>Local Toxics Control Account: For transfer to the state general fund for fiscal year 2009.....</u>	<u>\$75,000,000</u>
State Toxics Control Account: For transfer to the oil spill prevention account for fiscal year 2009. ....	\$2,400,000
<u>State Toxics Control Account: For transfer to the state general fund for fiscal year 2009.....</u>	<u>\$2,000,000</u>
<u>Natural Resources Equipment Account: For transfer to the state general fund for fiscal year 2009.....</u>	<u>\$3,300,000</u>
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account. ....	<del>(\$168,111,000)</del> <u>\$181,585,000</u>
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account.....	<del>(\$70,000,000)</del> <u>\$65,220,000</u>
Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009.....	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009. ....	\$6,932,000
Health Services Account: For transfer to the tobacco prevention and control account, \$10,523,000 for fiscal year 2008 and ( <del>(\$10,168,000)</del> ) <u>\$9,601,000</u> for fiscal year 2009. ....	<del>(\$20,691,000)</del> <u>\$20,124,000</u>
General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009. ....	\$31,600,000
<del>((General Fund: For transfer to the health services account for fiscal year 2009.....</del>	<del>\$53,000,000)</del>
<u>Health Services Account: For transfer to the State general fund for fiscal year 2009.....</u>	<u>\$47,000,000</u>
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2008.....	\$3,000,000
Public Safety and Education Account: For transfer to the state general fund for fiscal year 2009. ....	\$6,000,000
Reading Achievement Account: For transfer to the state general fund, an amount not to exceed the actual balance of the reading achievement account. This transfer is intended to liquidate the reading achievement account. ....	\$1,691,000
Family Leave Insurance Account: For transfer to the state general fund, an amount not to exceed the actual balance of the family leave insurance account on the effective date of this section..	\$4,458,000
Streamline Sales Tax Account: For transfer to the state general fund on June 30, 2009, an amount not to exceed the actual balance of the streamline sales tax account.....	\$8,620,000
Savings Incentive Account: For transfer to the state general fund for fiscal year 2009.....	\$9,204,000

Education Savings Account: For transfer to the state general fund for fiscal year 2009.....	\$51,088,000
Pension Funding Stabilization Account: For transfer to the state general fund for fiscal year 2009.....	\$2,400,000
Budget Stabilization Account: For transfer to the state general fund for fiscal year 2009.....	<u>\$400,000,000</u>
Employment Training Finance Account: For transfer to the state general fund for fiscal year 2009. After the transfer in this section is made, the employment training finance account shall have a balance of \$175,000 to continue customized training program activities.....	<u>\$3,000,000</u>
College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2009, an amount not to exceed the actual balance of the college faculty awards trust fund. This transfer is intended to liquidate the college faculty awards trust fund.....	<u>\$4,900,000</u>
Washington Distinguished Professorship Trust Account: For transfer to the state general fund for fiscal year 2009, an amount not to exceed the actual balance of the Washington distinguished professorship trust account. This transfer is intended to liquidate the Washington distinguished professorship trust account.....	<u>\$5,000,000</u>
Washington Graduate Fellowship Trust Account: For transfer to the state general fund for fiscal year 2009, an amount not to exceed the actual balance of the Washington graduate fellowship trust account. This transfer is intended to liquidate the Washington graduate fellowship trust account.....	<u>\$1,400,000</u>
Get Ready for Math and Science Scholarship Account: For transfer to the state general fund for fiscal year 2009.....	<u>\$1,900,000</u>
Judicial Information System Account: For transfer to the state general fund for fiscal year 2009.....	<u>\$5,000,000</u>
Student Achievement Fund: For transfer to the state general fund for fiscal year 2009.....	<u>\$218,000,000</u>
Student Achievement Fund: For transfer to the education legacy trust account.....	<u>\$91,000,000</u>

Sec. 1703. 2007 c 522 s 804 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution.....	(( <del>\$2,950,000</del> ))
	<u>\$3,145,000</u>
General Fund Appropriation for federal flood control funds distribution.....	(( <del>\$74,000</del> ))
	<u>\$69,000</u>
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	(( <del>\$84,500,000</del> ))
	<u>\$85,201,000</u>
TOTAL APPROPRIATION.....	(( <del>\$87,524,000</del> ))
	<u>\$88,415,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1704. 2007 c 522 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation.....	(( <del>\$2,174,000</del> ))
	<u>\$3,050,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1705. 2007 c 522 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation.....	(( <del>\$1,449,000</del> ))
	<u>\$2,033,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**PART XVIII**  
**MISCELLANEOUS**

**NEW SECTION. Sec. 1801.** A new section is added to 2007 c 522 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED.** Nothing in this act or chapter 5 (ESSB 5460), Laws of 2009 prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of chapter 5, Laws of 2009 (February 18, 2009).

**Sec. 1802.** RCW 2.68.020 and 2005 c 282 s 11 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. During the 2007-2009 fiscal biennium, the legislature may transfer from the judicial information system account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 1803.** RCW 28B.50.837 and 2003 c 129 s 2 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation. No appropriation is necessary for the expenditure of moneys from the fund. Expenditures from the fund may be used solely for the exceptional faculty awards program. During the 2007-2009 fiscal biennium, the legislature may transfer from the college faculty awards trust fund to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 1804.** RCW 28B.67.030 and 2006 c 112 s 8 are each amended to read as follows:

(1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 shall be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020. The deposit of payments under this section from a participant shall cease when the board specifies that the participant has met the monetary obligations of the program. During the 2007-2009 fiscal biennium, the legislature may transfer from the employment training finance account to the state general fund such amounts as reflect the excess fund balance in the account.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) shall be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section.

(4) This section expires July 1, 2012.

**Sec. 1805.** RCW 28B.76.565 and 2004 c 275 s 20 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. At the request of the higher education coordinating board under RCW 28B.76.575, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the 2007-2009 fiscal biennium, the legislature may transfer from the distinguished professorship trust fund to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 1806.** RCW 28B.76.610 and 2004 c 275 s 22 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. At the request of the higher education coordinating board under RCW 28B.76.620, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the 2007-2009 fiscal biennium, the legislature may transfer from the graduate fellowship trust fund to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 1807.** RCW 28B.105.110 and 2008 c 329 s 908 are each amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds

raised by the program administrator. During the 2007-09 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the board.

(7) During the 2007-2009 fiscal biennium, the legislature may transfer state appropriations to the GET ready for math and science scholarship account that have not been matched by private contributions to the state general fund.

**Sec. 1808.** RCW 41.45.230 and 2008 c 329 s 910 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system. During the 2007-09 fiscal biennium, expenditures from the account may also be used for payment of the retirement and annuity plans for higher education employees and for transfer into the general fund. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and invested by the state investment board pursuant to RCW 43.33A.030 and 43.33A.170. For purposes of RCW 43.135.035, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account. During the 2007-2009 fiscal biennium, the legislature may transfer from the pension funding stabilization account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 1809.** RCW 43.30.305 and 2005 c 518 s 928 are each amended to read as follows:

A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies. During the ((2005-2007)) 2007-2009 fiscal biennium the legislature may transfer such amounts as represent the excess balance of the fund to the state general fund.

**Sec. 1810.** RCW 71.24.310 and 2006 c 333 s 107 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that the department and the regional support networks shall work together to implement chapter 71.05 RCW as follows:

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

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

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

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

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

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

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during the 2007-2009 fiscal biennium, implementing new services that will enable a regional support network to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

**NEW SECTION. Sec. 1811.** 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. 1812.** 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.

Representative Sells moved the adoption of amendment (910) to amendment (895):

On page 4, line 21 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2010 by \$36,000.

On page 4, line 22 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2011 by \$35,000.

On page 4, line 23 of the striking amendment, correct the total Beginning on page 4, line 24 of the striking amendment, strike all material through line 30

On page 27, line 17 of the striking amendment, reduce the general fund-state appropriation for fiscal year 2010 by \$542,000.

On page 27, line 18 of the striking amendment, reduce the general fund-state appropriation for fiscal year 2011 by \$542,000.

On page 27, line 25 of the striking amendment, correct the total

On page 27, beginning on line 33 of the striking amendment, strike all of subsection (2)

Re-number the subsections consecutively and correct any internal references accordingly.

On page 123, line 5 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2010 by \$3,501,000

On page 123, line 6 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2011 by \$1,520,000

On page 123, line 8 of the striking amendment, correct the total

On page 123, beginning on line 33 of the striking amendment, strike all of subsection (iii)

Re-number the subsections consecutively and correct any internal references accordingly.

On page 125, line 28 of the striking amendment, strike all of subsection (d)

Re-number the sections consecutively and correct any internal references accordingly.

On page 128, beginning on line 10 of the striking amendment, strike all of subsection (ii)

Re-number the sections consecutively and correct any internal references accordingly.

On page 162, line 28 of the striking amendment, increase the general fund--state appropriation for fiscal year 2011 by \$6,176,000.

On page 162, line 30 of the striking amendment, correct the total

On page 162, line 35 of the striking amendment, after "year and" strike "\$99.32" and insert "\$106.00"

Re-number the sections consecutively and correct any internal references accordingly.

Representative Sells spoke in favor of the adoption of the amendment to amendment (895).

Representative Hunter spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (910) to amendment (895) to Substitute House Bill No. 1244.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (910) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 32; Nays, 63; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Appleton, Bailey, Campbell, Chase, Conway, Cox, Crouse, DeBolt, Dunshee, Ericksen, Green, Haler, Hope, Johnson, Kirby, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Ormsby, Orwall, Pearson, Rolfes, Ross, Schmick, Sells, Shea, Simpson and Williams.

Voting nay: Representatives Anderson, Angel, Blake, Carlyle, Chandler, Clibborn, Cody, Condotta, Dammeier, Darneille, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Klippert, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Santos, Seaquist, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (910) to amendment (895) was not adopted.

Representative Linville moved the adoption of amendment (907) to amendment (895):

On page 4 of the striking amendment, strike all material on lines 24 through 30

On page 22, beginning on line 26 of the striking amendment, strike all of subsection (7)

Re-number remaining subsections consecutively and correct internal references accordingly.

On page 27, line 33 of the striking amendment, after "(2)" strike all material through "(3)" on page 28, line 4

Re-number remaining subsections consecutively and correct internal references accordingly.

On page 71, line 1 of the striking amendment, after "(3)" strike "\$4,856,000" and insert "\$84,856,000"

On page 82, line 31 of the striking amendment, increase the general fund--federal appropriation by \$258,000

On page 82, line 33, correct the total.

On page 87, line 28 of the striking amendment, strike "Public Safety and Education Account--Federal" and insert "General Fund--Federal"

On page 95 of the striking amendment, at the beginning of line 24, strike "eliminated" and insert "reduced"

On page 102, line 3 of the striking amendment, after "(1)" strike "\$49,697,000" and insert "\$55,029,000"

On page 126 of the striking amendment, beginning on line 15, strike "House Bill No. 1075" and insert "Substitute Senate Bill No. 5248"

On page 140 of the striking amendment, after line 11 insert the following:

"(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include one learning improvement day. A school district is eligible for the learning improvement day funds only if the learning improvement day has been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional day shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied



directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection."

Re-number remaining subsection consecutively.

On page 152, line 19 of the striking amendment, strike "\$1,850,000" and insert "\$1,350,000"

On page 157, line 13, after "(19)" strike "\$125,000" and insert "\$225,000"

On page 157, line 14, after "2010 and" strike "\$125,000" and insert "\$225,000"

On page 205 of the striking amendment, strike all material on lines 34 and 35

On page 389, line 5, of the striking amendment strike "\$1,932,000" and insert "\$932,000"

On page 480, line 20 of the striking amendment, decrease the general fund--federal appropriation by \$820,000

On page 480, line 23 of the striking amendment, correct the total.

Representative Linville spoke in favor of the adoption of the amendment to amendment (895).

Amendment (907) to amendment (895) was adopted.

Representative Ericks moved the adoption of amendment (902) to amendment (895):

On page 10, line 2, after "committee" strike "and" and insert "in consultation with"

Representative Ericks spoke in favor of the adoption of the amendment to amendment (895).

Amendment (902) to amendment (895) was adopted.

Representative Williams moved the adoption of amendment (903) to amendment (895):

On page 10, line 2, after "committee" strike "and" and insert "in consultation with"

Representative Williams spoke in favor of the adoption of the amendment to amendment (895).

Representative Cody spoke against the adoption of the amendment to amendment (895).

Amendment (903) to amendment (895) was not adopted.

Representative Simpson moved the adoption of amendment (904) to amendment (895):

On page 64, line 27, increase the general fund--state appropriation for FY 2010 by \$3,310,000

On page 64, line 28, decrease the general fund--state appropriation for FY 2011 by \$3,741,000

On page 64, line 29, increase the general fund--federal appropriation by \$756,000

On page 64, line 32, correct the total

On page 64, line 36, after "not exceed" strike "\$156.37" and insert "\$158.74"

On page 65, line 1, after "not exceed" strike "\$158.74" and insert "\$156.37"

Representative Simpson spoke in favor of the adoption of the amendment to amendment (895).

Representative Pettigrew spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (904) to amendment (895) to Substitute House Bill No. 1244.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (904) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 50; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Campbell, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Goodman, Grant-Herriot, Green, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia, Orcutt, Ormsby, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Sells, Shea, Simpson, Smith, Takko, Taylor, Walsh, Warnick and Williams.

Voting nay: Representatives Angel, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Haigh, Haler, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (904) to amendment (895) was not adopted.

Representative Cox moved the adoption of amendment (913) to amendment (895):

*Format change to accommodate text.* On page 138, after line 11 of the striking amendment, strike all material through line 20 on page 139 and insert the following:

*Format change to accommodate text.*

**"Table Of Total Base Salaries For Certificated Instructional Staff  
For School Year 2009-10  
\*\*\* Education Experience \*\*\***

Years of Service									MA+90 OR
	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52788
10			43,635	45,247	48,524	50,913	48,724	52,003	54390
11				46,772	50,121	52,557	50,249	53,599	56034
12				48,249	51,761	54,269	51,835	55,238	57748
13					53,440	56,024	53,476	56,918	59501
14					55,128	57,844	55,165	58,716	61322
15					56,563	59,349	56,599	60,242	62917
16 or more					57,693	60,535	57,731	61,447	64174

**Table Of Total Base Salaries For Certificated Instructional Staff  
For School Year 2010-11  
\*\*\* Education Experience \*\*\***

Years of Service									MA+90 OR
	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52788
10			43,635	45,247	48,524	50,913	48,724	52,003	54390
11				46,772	50,121	52,557	50,249	53,599	56034
12				48,249	51,761	54,269	51,835	55,238	57748
13					53,440	56,024	53,476	56,918	59501
14					55,128	57,844	55,165	58,716	61322
15					56,563	59,349	56,599	60,242	62917
16 or more					57,693	60,535	57,731	61,447	64174

" On page 140, line 16 of the striking amendment, decrease the general fund--state appropriation for fiscal year 2010 by \$15,814,000  
 On page 140, line 17 of the striking amendment, decrease the general fund--state appropriation for fiscal year 2010 by \$19,854,000  
 On page 140, line 19 of the striking amendment, correct the total  
 On page 142, after line 12 of the striking amendment, insert the following: "(4) The office of the superintendent of public instruction and the office of financial management shall modify all applicable compensation rates for affected programs in Section 5 of this act to reflect the elimination of two learning improvement days."  
 On page 150, line 7 of the striking amendment, increase the general fund--state appropriation for fiscal year 2010 by \$11,914,000  
 On page 150, line 8 of the striking amendment, increase the general fund--state appropriation for fiscal year 2011 by \$22,134,000  
 On page 150, line 10 of the striking amendment, correct the total.

Representatives Cox, Priest, Anderson, Walsh and Parker spoke in favor of the adoption of the amendment to amendment (895).

Representatives Haigh, Sullivan and Hunt spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (913) to amendment (895) to Substitute House Bill No. 1244.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (913) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 52; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Van De Wege, Walsh and Warnick.

Voting nay: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (913) to amendment (895) was not adopted.

Representative Carlyle moved the adoption of amendment (909) to amendment (895):

On page 184, line 6, after "program", strike all material through "services." on line 11 and insert the following: "pursuant to chapter 28B.117 RCW. The higher education coordinating board shall contract with a college scholarship organization with expertise in managing scholarships for low-income, high-potential students and foster care children and young adults to administer the program. Of the amount in this subsection, \$39,000 is provided solely for the higher education coordinating board for administration of the contract and the remaining shall be contracted out to the organization for the following purposes:

(a) \$384,000 is provided solely for program administration, and

(b) \$3,449,000 is provided solely for student financial aid for up to 151 students and to fund student support services."

Representatives Carlyle and Anderson spoke in favor of the adoption of the amendment to amendment (895).

Amendment (909) to amendment (895) was adopted.

Representative Miloscia moved the adoption of amendment (900) to amendment (895):

On page 228, line 33 of the striking amendment, after "in" strike "2012" and insert "2010"

On page 228, line 35 of the striking amendment, after "award" strike ", or similar organization," and insert "((, or similar organization,))"

On page 229, line 7 of the striking amendment, after "opportunities" insert ". All agencies shall provide electronic copies of WSQA applications, feedback reports, and corrective action plans. Copies shall be posted on the GMAP web site, and provided electronically to the state auditor as well as JLARC and other appropriate committees of the legislature"

Representative Miloscia spoke in favor of the adoption of the amendment to amendment (895).

Representative Ericks spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (900) to amendment (895) to Substitute House Bill No. 1244.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (900) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 55; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Angel, Campbell, Carlyle, Condotta, Cox, DeBolt, Driscoll, Ericksen, Goodman, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia, Nelson, Orcutt, Ormsby, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schmick, Sells, Simpson, Smith, Sullivan, Walsh, Warnick and Williams.

Voting nay: Representatives Alexander, Appleton, Bailey, Blake, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Grant-Herriot, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, O'Brien, Orwall, Parker, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Shea, Springer, Takko, Taylor, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (900) to amendment (895) was not adopted.

Representative Linville moved the adoption of amendment (915) to amendment (895):

On page 464, after line 20 of the striking amendment, insert the following:

"Sec. 1412. 2008 c 329 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of

moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ((2008)) 2009, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year ((2008)) 2009 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section."

Correct the title.

Representative Linville spoke in favor of the adoption of the amendment to amendment (895).

Amendment (915) to amendment (895) was adopted.

Amendment (895) as amended was adopted. The bill was ordered engrossed.

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

Representatives Linville, Darneille, Haigh, Kagi, Seaquist, Hunt, Hunter, Pettigrew, Nelson, Dickerson, Cody, Wallace, Hurst, Morrell and Appleton spoke in favor of the passage of the bill.

Representatives Alexander, DeBolt, Herrera, Dammeier, Bailey, Parker, Kristiansen, Anderson, Hinkle, Haler, Orcutt, Shea, Pearson, Rodne, Taylor, Schmick, Angel and Ericksen spoke against the passage of the bill.

#### COLLOQUY

Representative Condotta: "Regarding the appropriations that assume a retail price increase on liquor, is it the intent to exclude liquor licensees from this provision?"

Representative Conway: "Yes, it is the intent of the Legislature that any increase in the price of spirits that occurs as a result of this biennial budget bill will not apply to LCB liquor licensees."

House Rule 16(C) was suspended to allow closing remarks.

Representative Linville spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1244.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1244 and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Springer, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Sells, Shea, Simpson, Smith, Sullivan, Taylor, Walsh, Warnick and Williams.

Excused: Representatives Armstrong and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Linville thanked the OPR staff of the Ways & Means Committee and asked the Chamber to acknowledge their hard work."

#### POINT OF PERSONAL PRIVILEGE

Representative Alexander reiterated the comments of the good lady from the 42nd District and joined the Chamber in thanking the Ways & Means Committee staff.

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

#### SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESB 5995 by Senators Pridemore, Schoesler and Honeyford

AN ACT Relating to eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009; amending RCW 18.06.080, 70.128.163, 70.149.040, 79A.75.900, 70.14.060, 4.92.130, 18.84.040, 18.84.070, 28B.116.020, 28B.12.040, 43.43.866, 43.10.240, and 43.15.020; reenacting and amending RCW 70.105D.030; creating new sections; repealing RCW 72.09.800, 28B.04.085, 70.128.225, 18.20.260, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 28B.116.040, 18.155.050, 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, 74.32.180, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, and 10.29.090; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified); repealing 1997 c 406 s 1 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

With the consent of the House, amendments (778) and (610) were withdrawn.

SSB 6122 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli and Brandland)

*Format change to accommodate text.*

AN ACT Relating to reducing costs of the elections division of the office of the secretary of state; amending RCW 29A.52.330, 29A.52.340, 43.78.030, 29A.32.031, 29A.32.040, 29A.32.050, 29A.40.061, 29A.72.025, 29A.04.530, 29A.04.540, 29A.04.570, 43.07.310, and 29A.40.150; reenacting and amending RCW 29A.32.070; and repealing RCW 29A.04.236 and 29A.04.245.

Referred to Committee on Ways & Means.

SB 6165 by Senators Ranker, Rockefeller, Tom and Jarrett

AN ACT Relating to allowing greater use of short boards for appeals before the shorelines hearings board; and amending RCW 90.58.185.

Referred to Committee on Ways & Means.

SSB 6171 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to savings in programs under the supervision of the department of health; amending RCW 43.20.050, 43.20.240, 70.119A.020, 70.119A.050, 70.119A.060, 70.119A.130, 64.44.070, 70.54.220, 70.54.220, 70.104.030, 70.104.050, 70.56.020, 70.56.030, and 70.56.040; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

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

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

## SECOND READING

**HOUSE BILL NO. 1216, by Representatives Dunshee, Warnick and Ormsby**

**Adopting a 2009-2011 capital budget. Revised for 1st Substitute: Concerning the capital budget.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1216 was substituted for House Bill No. 1216 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.



Representative Dunshee moved the adoption of amendment (905):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2011, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 1001. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Rural Washington Loan Fund (19882002)**

Reappropriation:

Rural Washington Loan Account--State.....	\$1,036,000
Prior Biennia (Expenditures).....	\$2,856,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,892,000

**NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Drinking Water Assistance Account (20044002)**

The reappropriation in this section is subject to the following conditions and limitations: Expenditures of the reappropriation shall comply with RCW 70.119A.170.

Reappropriation:

Drinking Water Assistance Repayment Account--State.....	\$4,200,000
Prior Biennia (Expenditures).....	\$12,493,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$16,693,000

**NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Drinking Water State Revolving Fund - Authorization to Use Loan Repayments (20044010)**

Reappropriation:

Drinking Water Assistance Repayment Account--State.....	\$5,867,000
Prior Biennia (Expenditures).....	\$9,333,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$15,200,000

**NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT  
Local and Community Projects (20044011)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.

(2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State.....	\$700,000
---	-----------

Prior Biennia (Expenditures) . . . . .	\$12,615,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$13,315,000

**NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations: (1) \$64,319 of the remaining reappropriation for El Centro de la raza may be used for building infrastructure. (2) \$10,000 of the remaining reappropriation for miracle league handicapped baseball may be used for pre-grading and resurfacing construction.

Reappropriation:

State Building Construction Account--State. . . . .	\$10,658,000
Prior Biennia (Expenditures) . . . . .	\$37,141,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$47,799,000

**NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (20064001)

Reappropriation:

State Taxable Building Construction Account--State. . . . .	\$1,843,000
Prior Biennia (Expenditures) . . . . .	\$98,157,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$100,000,000

**NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Public Works Trust Fund (20064004)

Reappropriation:

Public Works Assistance Account--State. . . . .	\$61,339,000
Prior Biennia (Expenditures) . . . . .	\$227,561,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$288,900,000

**NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Rural Washington Loan Fund (20064010)

Reappropriation:

Rural Washington Loan Account--State. . . . .	\$3,878,000
Prior Biennia (Expenditures) . . . . .	\$249,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,127,000

**NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Community Economic Revitalization Board (20064011)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the reappropriation in this section may be used for grants.

Reappropriation:

Public Facility Construction Loan Revolving Account--State. . . . .	\$15,549,000
Prior Biennia (Expenditures) . . . . .	\$4,899,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$20,448,000

**NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**



Drinking Water Assistance Program (20064003)

Reappropriation:

Drinking Water Assistance Repayment Account--State.....	\$21,780,000
Prior Biennia (Expenditures).....	\$8,100,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$29,880,000

**NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Water System Acquisition and Rehabilitation Program (20064850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this reappropriation.

Reappropriation:

State Building Construction Account--State.....	\$6,000
Prior Biennia (Expenditures).....	\$1,994,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (20064851)

Reappropriation:

Washington Housing Trust Account--State.....	\$172,000
Prior Biennia (Expenditures).....	\$16,828,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$17,000,000

**NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Job and Economic Development Grants (20064950)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 107, chapter 371, Laws of 2006.

(2) The reappropriation is subject to the project list in section 107, chapter 371, Laws of 2006.

(3) Up to \$1,000,000 of the reappropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(4) Up to \$2,200,000 of the reappropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements and the purchase of real property in fee simple to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the reappropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State.....	\$14,172,000
Prior Biennia (Expenditures).....	\$35,828,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$50,000,000

**NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Jobs in Communities (20064951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State. ....	\$10,960,000
Prior Biennia (Expenditures) .....	\$1,290,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$12,250,000

**NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Building for the Arts Grants (20074001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.750.
- (2) The reappropriation is subject to the provisions of section 1027, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State. ....	\$2,240,000
Prior Biennia (Expenditures) .....	\$9,760,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$12,000,000

**NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Services Facilities Grants (20074002)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.125.
- (2) The reappropriation is subject to the provisions of section 1029, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State. ....	\$1,495,000
Prior Biennia (Expenditures) .....	\$8,652,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$10,147,000

**NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Youth Recreational Facilities Grants (20074003)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.135.
- (2) The reappropriation is subject to the provisions of section 1007, chapter 328, Laws of 2008.

Reappropriation:

State Building Construction Account--State. ....	\$4,000,000
Prior Biennia (Expenditures) .....	\$5,050,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$9,050,000

**NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Drinking Water Assistance Program (20074004)

Reappropriation:

Drinking Water Assistance Account--State. ....	\$8,718,000
Drinking Water Assistance Repayment Account--State. ....	\$21,100,000
Subtotal Reappropriation. ....	\$29,818,000
Prior Biennia (Expenditures). ....	\$2,082,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$31,900,000

**NEW SECTION, Sec. 1019. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Public Works Trust Fund (20074005)

Reappropriation:

Public Works Assistance Account--State. ....	\$232,000,000
State Taxable Building Construction Account--State. ....	\$95,000,000
Subtotal Reappropriation. ....	\$327,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$327,000,000

**NEW SECTION, Sec. 1020. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Water System Acquisition Rehabilitation Program (20074006)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$1,000,000 of the reappropriation is provided solely for the city of Republic to acquire the Pine Grove water system.

Reappropriation:

State Building Construction Account--State. ....	\$2,191,000
Prior Biennia (Expenditures). ....	\$1,559,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,750,000

**NEW SECTION, Sec. 1021. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Rural Washington Loan Fund (20074008)

Reappropriation:

Rural Washington Loan Account--State. ....	\$1,782,000
Prior Biennia (Expenditures). ....	\$245,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,027,000

**NEW SECTION, Sec. 1022. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Housing Assistance, Weatherization, and Affordable Housing (20074009)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$9,000,000 of the reappropriations are provided solely for weatherization administered through the energy matchmakers program.
- (2) Up to \$5,000,000 of the reappropriations are provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) Up to \$2,500,000 of the reappropriations are provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) Up to \$1,000,000 of the reappropriations are provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) Up to \$5,000,000 of the reappropriations are provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.
- (6) Up to \$1,500,000 of the reappropriations are provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.
- (7) Up to \$4,000,000 of the reappropriations are provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.

(8) Up to \$10,000,000 of the reappropriations are for the creation and development of low-income housing within areas declared disasters by the governor after November 2007.

(9) Up to \$2,000,000 of the reappropriation from the state taxable building construction account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms. This reappropriation is subject to appropriate agreements to protect the public investment. Any of this reappropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(10) The reappropriations in this section from the state building construction account shall be distributed as grants.

(11) Up to \$250,000 of the reappropriation from the Washington housing trust account is provided solely to the city of Burien for housing related purposes.

(12) The reappropriations in this section shall not be used for the administrative costs of the department. The amount of the reappropriations shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

(13) Within available funding provided in this section, the department shall prepare an inventory of housing assistance programs. The inventory shall include all state funded programs, the housing finance commission programs, all programs funded by local governments and housing authorities, including a description of expenditures from fees and taxes specifically authorized by state law for housing assistance and homeless programs, all property tax and sales tax provisions that are intended to support housing assistance programs, and all federally funded housing assistance programs provided in the state. The inventory shall include a description of the program, biennial appropriation and expenditure levels since the 1999-2001 biennium through the 2007-2009 biennium, a description of eligibility criteria and the amount of benefit provided per unit or per family, and the number of units or families assisted. The department shall coordinate with the joint legislative audit and review committee to reduce duplicative efforts that may be required by legislation.

(14)(a) Up to \$10,000,000 of the reappropriations are provided solely for the department to contract with the Washington state housing finance commission to provide grants or loans to eligible organizations, described under RCW 43.185A.040, to purchase land or real property for affordable housing and community facilities preservation or development in rapidly gentrifying neighborhoods, redevelopment areas, or communities with a significant low-income population that is threatened with displacement by such gentrification. Loans or grants may be made to purchase land or real property for the preservation or development of affordable housing or community facilities, including reasonable costs and fees. The Washington state housing finance commission's review and evaluation of projects for loans and grants must include, but is not limited to the following: (i) Consideration of mobile home parks facing closure; (ii) properties in neighborhoods in King county that are facing gentrification or redevelopment; and (iii) properties located in the city of Spokane that are facing the threat of displacing low-income tenants due to the loss of affordable housing rental units. The Washington state housing finance commission, with approval from the department, may adopt guidelines and requirements that are necessary to administer the affordable housing and community facilities rapid response program. A loan recipient must preserve affordable rental housing acquired or developed under this section as affordable housing for a minimum of thirty years. Interest rates on loans made under this section may be as low as zero percent but may not exceed three percent. All loan repayments must be deposited into the Washington housing trust account and accounted for separately from other funds in the account.

(b) By December 1, 2009, the Washington state housing finance commission shall report to the department and the appropriate committees of the legislature: (i) The number of loans that were made in the program; (ii) for what purposes the loans were made; (iii) to whom the loans were made; and (iv) when the loans are expected to be paid back.

(15) Up to \$10,000,000 of the reappropriations are for the department to contract with the Washington state housing finance commission to administer the facilitation of nonprofit entities' use of tax-exempt multifamily bonds issued by the Washington state housing finance commission.

(16)(a) Up to \$100,000 of the reappropriation from the Washington housing trust account is provided solely for the department to work in consultation with the affordable housing advisory board and representatives from nonprofit housing development organizations and affordable housing advocacy groups in the state to:

(i) Identify and analyze all costs associated with affordable housing development projects financed through the Washington housing trust fund under chapters 43.185 and 43.185A RCW, which may include, but are not limited to, costs associated with legal and architectural services, permitting and impact fees, land acquisition, and general construction costs;

(ii) Make recommendations for strategies, which must include recommendations for changes to public policy and department procedures, to reduce the costs identified in (a)(i) of this subsection; and

(iii) Make recommendations for potential performance measures appropriate for each strategy identified.

(b) In developing recommendations for strategies to reduce costs, the department shall analyze and address the fiscal impact of public policies of the state and of local governments, Washington housing trust fund policies, and general market forces on affordable housing development.

(c) The department shall report its findings and recommendations to the governor and to the appropriate committees of the legislature by September 30, 2009.

Reappropriation:

State Building Construction Account--State. . . . .	\$24,152,000
State Taxable Building Construction Account--State. . . . .	\$48,097,000
Washington Housing Trust Account--State. . . . .	\$12,950,000
Subtotal Reappropriation. . . . .	\$85,199,000
Prior Biennia (Expenditures). . . . .	\$114,801,000
Future Biennia (Projected Costs). . . . .	\$0

TOTAL..... \$200,000,000

**NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Job Development Fund Grants (20074010)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1032, chapter 520, Laws of 2007.

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the port of Grays Harbor for the bulk liquid facility project.

Reappropriation:

Job Development Account--State..... \$22,228,000

Appropriation:

Job Development Account--State..... \$3,000,000

Prior Biennia (Expenditures)..... \$24,702,000

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$49,930,000

**NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Economic Revitalization Board (20074015)

The reappropriations in this section are subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Reappropriation:

State Taxable Building Construction Account--State..... \$8,130,000

Public Facility Construction Loan Revolving Account--State..... \$7,289,000

Subtotal Reappropriation..... \$15,419,000

Prior Biennia (Expenditures)..... \$4,581,000

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$20,000,000

**NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Longview Regional Water Treatment Plant Dredging (20081001)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for emergency dredging to prevent the sandbars in the Cowlitz river from obstructing the intake facility necessary for the city of Longview to obtain drinking water.

Reappropriation:

State Building Construction Account--State..... \$150,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$150,000

**NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Quincy Water Treatment System Phase 1 (20081002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to increase the capacity of the water treatment facility in the city of Quincy.

Reappropriation:

State Building Construction Account--State..... \$4,500,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$4,500,000

**NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Innovation Partnership Zones (20082003)

The reappropriation in this section is subject to the following conditions and limitations: The state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced training are creating special competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, six zones or projects will be selected to receive funding. The reappropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone administrator. It is the intent of the legislature that innovation partnership zone grants should consider the commercialization of inventions and innovations.

Reappropriation:

State Building Construction Account--State. . . . .	\$4,021,000
Prior Biennia (Expenditures). . . . .	\$979,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Washington State Horse Park (20082004)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation shall complete the state's capital obligation for the facility.
- (2) Land provided for the state horse park by the county or city in which the park is located shall remain in the ownership of that county or city unless the county or city determines otherwise. The legislature encourages the county or city to provide a long-term lease of selected property to the Washington state horse park authority at a minimal charge.

Reappropriation:

State Building Construction Account--State. . . . .	\$3,376,000
Prior Biennia (Expenditures). . . . .	\$124,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,500,000

**NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.
- (2) The reappropriation is subject to the provisions of section 1008, chapter 328, Laws of 2008.
- (3) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition. If the facility is not constructed by June 30, 2015, the school district shall reimburse the state an amount equal to \$1,000,000 increased by the average percentage appreciation in property values for undeveloped land in the surrounding area between the date the school district acquired the property and June 30, 2015 or the date the school district disposes of the property.
- (4) \$600,000 of the remaining reappropriation for the institute for community leadership may be used for land acquisition.
- (5) \$250,000 of the remaining reappropriation for the Pacific Northwest ilocandia association may be used for acquisition and renovation.
- (6) \$200,000 of the remaining reappropriation for the library connection at Greenbridge may be used for construction and equipment.
- (7) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition.

Reappropriation:

State Building Construction Account--State. . . . .	\$61,200,000
Prior Biennia (Expenditures). . . . .	\$71,694,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$132,894,000

**NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Community Development Fund (20084850)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of section 1014, chapter 328, Laws of 2008.

(2) \$105,521 of the remaining reappropriation for El Centro de la raza center may be used for building infrastructure.

Reappropriation:

State Building Construction Account--State. . . . .	\$9,715,000
Prior Biennia (Expenditures). . . . .	\$11,451,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$21,166,000

**NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Belfair Sewer Improvements (20084852)

Reappropriation:

State Building Construction Account--State. . . . .	\$5,500,000
Public Works Assistance Account--State. . . . .	\$4,800,000
Subtotal Reappropriation. . . . .	\$10,300,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$10,300,000

**NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Building Communities Fund Program (20084855)

Reappropriation:

State Building Construction Account--State. . . . .	\$50,000
Prior Biennia (Expenditures). . . . .	\$200,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$250,000

**NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Community Schools Program (20084856)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided solely for the acquisition, rehabilitation, expansion, or improvement of surplus school buildings to be converted into community facilities for the delivery of nonresidential coordinated services for children and families.
- (2) Eligible applicants include local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments. Only the following surplus schools may be eligible for grant funding under this section: (a) Allen school; (b) Crown Hill school; (c) Fauntleroy school; (d) University Heights school; (e) Martin Luther King elementary school; and (f) Lincoln high school north wing.
- (3) As part of the grant process, applicants must submit a comprehensive plan for the use of the surplus school that includes information on the following:
  - (a) A list of partner entities that will assist the lead eligible applicant to provide or coordinate services for children and families;
  - (b) A memorandum of understanding between the lead eligible applicant and each partner; and
  - (c) An examination of capital and operating funding sources that applicants intend to apply to the project and coordinated services at each school to be served, whether such funding is derived from grants under this section or from other federal, state, local, or private sources.
- (4) Project applicants must demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and requires state funding to accomplish a discrete, usable phase of the project that may include acquisition.
- (5) If grant funds under this subsection are used for the acquisition of surplus school facilities, the sale proceeds must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities in the district, but shall not be used as local match for projects receiving state school construction assistance grants.
- (6) In contracts for grants authorized under this subsection, the department shall include provisions that require that capital improvements must be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Reappropriation:

State Building Construction Account--State. . . . .	\$3,927,000
Prior Biennia (Expenditures). . . . .	\$658,000
Future Biennia (Projected Costs). . . . .	\$0

TOTAL..... \$4,585,000

**NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Quillayute Valley Wood-Fire Boiler (20084858)

Reappropriation:

Energy Freedom Account--State. .... \$1,000,000  
  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$1,000,000

**NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Snohomish County Biodiesel (20084859)

Reappropriation:

Energy Freedom Account--State. .... \$500,000  
  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$500,000

**NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
2008 Local and Community Projects (20084861)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1019, chapter 328, Laws of 2008.

Reappropriation:

State Building Construction Account--State. .... \$12,751,000  
  
Prior Biennia (Expenditures). .... \$5,378,000  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$18,129,000

**NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Grays Harbor Wind Project (20084950)

Reappropriation:

State Building Construction Account--State. .... \$5,000,000  
  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$5,000,000

**NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Skagit County Digester (20084951)

Reappropriation:

State Building Construction Account--State. .... \$500,000  
  
Prior Biennia (Expenditures). .... \$0  
Future Biennia (Projected Costs). .... \$0  
TOTAL..... \$500,000

**NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Drinking Water State Revolving Fund Loan Program (30000005)

Appropriation:

Drinking Water Assistance Account--State. .... \$8,000,000  
Drinking Water Assistance Repayment Account--State. .... \$31,201,000  
Subtotal Appropriation..... \$39,201,000



Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$215,974,000
TOTAL . . . . .	\$255,175,000

**NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Building for the Arts Grants (30000006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The appropriation is provided solely for the following list of projects:

Admiral Theatre-No Theatre Left Behind	\$140,000
Artspace Everett Lofts	\$1,000,000
Building a Foundation for Discovery	\$250,000
Campus Consolidation (Cornish)	\$375,000
Convert Key Bank to Everett's Plaza Theatre	\$500,000
Cottage Renovation (Hedgebrook)	\$20,000
Downstairs at the 5th	\$800,000
Federal Way Performing Arts Center	\$325,000
Gateway Center (Lummi)	\$150,000
James Center for the Performing Arts (Sequim)	\$150,000
Langston Hughes Performing Arts Center	\$475,000
Legacy Project (Imagine)	\$200,000
Modular Classrooms for Dance (Gladish)	\$30,000
Mt. Baker Theatre	\$1,000,000
Museum Expansion (Maryhill)	\$1,500,000
New Hands On Children's Museum	\$1,000,000
Reconstruction of First Stage (Issaquah)	\$400,000
Seattle Opera Center	\$650,000
Stage Two (Whidbey)	\$450,000
Vashon Arts Center	\$1,115,000
Visual Arts Education Center (Snohomish County)	\$1,000,000
Viva Vera Capital Campaign	\$70,000
 Total	 \$11,600,000

Appropriation:

State Building Construction Account--State. . . . .	\$11,600,000
 Prior Biennia (Expenditures) . . . . .	 \$0
Future Biennia (Projected Costs) . . . . .	\$48,000,000
TOTAL . . . . .	\$59,600,000

**NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Youth Recreational Facilities Grants (30000007)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The appropriation is provided solely for the following list of projects:

Allen Place	\$800,000
Auburn Boys & Girls Club	\$800,000
Central Kitsap Community Campus YMCA	\$800,000
Coal Creek Family YMCA	\$800,000
East Pierce County HOPE Center	\$800,000
Highline YMCA	\$800,000
Hough Pool Renovation	\$150,000
Jim Parsley Community Center	\$800,000
Kitsap Girl Scout Center	\$205,000
Naval Avenue Boys & Girls Club	\$80,000
Toutle River Ranch	\$360,000
West Sound Teen Center	\$305,000

YMCA Spokane Central	\$800,000
<b>Total</b>	<b>\$7,500,000</b>

Appropriation:

State Building Construction Account--State. ....	\$7,500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$30,000,000
<b>TOTAL.....</b>	<b>\$37,500,000</b>

**NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Building Communities Fund Grants (30000008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Except as otherwise directed before the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.
- (2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.
- (5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).
- (6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.
- (7) The appropriation is provided solely for the following list of projects:

A Home for Opportunity - CASA Latina	\$325,000
Building the new Eastside Clinic - Community Health Care	\$1,900,000
Community Center for Sand Point Housing	\$350,000
Donald G. Topping HOPE Center - Boys & Girls Clubs of Puget Sound	\$1,934,250
Dove House (Domestic Violence/Sexual Assault Program of Jefferson County)	\$240,000
Duvall Multi-Service Center - Hopelink	\$617,985
Education and Training Center Mt. Baker Planned Parenthood	\$881,847
Emmanuel Family Life Center - Richard Allen Enterprises	\$400,594
Eritrean Community Center Expansion	\$300,000
Ferndale Boys & Girls Club	\$752,847
Giant Step - RRA	\$520,761
Greenbridge Early Learning Center	\$1,419,281
High Point Neighborhood Center	\$2,000,000
Highline YMCA	\$1,163,000
Milgard Work Opportunity Center - Tacoma Goodwill	\$1,850,000
Northeast Community Center Expansion	\$1,300,000
Pierce County Therapy Center	\$128,000
Rainier Vista & Rainier Valley Teen Center	\$2,400,000
Repurposing Daybreak Star	\$87,500
Riverwalk Point Community Building - Spokane Neighborhood Action Program	\$79,253
Rotary Support Center for Families	\$3,500,000
Safety & Systems Improvements at El Centro de la raza	\$250,031
TAF Community Learning Space (CLS)	\$1,500,000
The Keller House Services Center	\$600,000
YMCA/YWCA Central Spokane Facility	\$3,500,000
<b>Total</b>	<b>\$28,000,349</b>

Appropriation:

State Building Construction Account--State. ....	\$28,001,000
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Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$28,001,000

**NEW SECTION. Sec. 1043. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Community Economic Revitalization Board (30000010)

Appropriation:

Public Facility Construction Loan Revolving Account--State.....	\$6,253,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$109,735,000
TOTAL.....	\$115,988,000

**NEW SECTION. Sec. 1044. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Innovation Partnership Zones (30000012)

Appropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$20,000,000
TOTAL.....	\$21,500,000

**NEW SECTION. Sec. 1045. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Housing Assistance, Weatherization, and Affordable Housing (30000013)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,000,000 of the appropriations is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects. Any of this appropriation that is not obligated by June 30, 2011, shall be added to the amount appropriated for the general pool of projects.
- (2) \$3,000,000 of the appropriations is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$10,000 of the appropriations is provided solely to the Ballard food bank/Ballard homes for all coalition for the construction of a mobile camp facility.
- (4) \$2,500,000 of the appropriations is provided solely for the development of farm infrastructure improvements. Any of this appropriation that is not obligated by June 30, 2011, must be added to the amount appropriated for the general pool of projects.
- (5) \$1,000,000 from the taxable bonds account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms.
- (6) \$5,000,000 of the appropriation from the state building construction account is provided solely to build low-income housing units in underserved communities and to concurrently develop capacity in these same communities. Underserved communities of concern are those that have high levels of poverty, specifically, thirty percent of the local median income; experience chronic homelessness; and lack affordable housing. Underserved communities include veterans, immigrants, refugees, and those communities of color disproportionately impacted by chronic homelessness and lack of affordable housing. The department shall collaborate with representatives of underserved communities and organizations committed to assistance in these efforts to prioritize and plan distribution of funding.
- (7) The department may not make loans from capital bond proceeds appropriated in this section if the appropriations are also obligated for other grants or loans or if the anticipated repayments of the loans are from future state legislative appropriations.
- (8) The legislature recognizes and supports the housing priorities reflected in the American recovery and reinvestment act of 2009 with the estimated amount of \$144,000,000 provided solely for the following programs:
  - (a) The community development fund's neighborhood stabilization fund to purchase and rehabilitate foreclosed vacant properties and to help create affordable housing and stabilize neighborhoods.
  - (b) The public housing capital fund to assist housing authorities build and rehabilitate low-income housing stock. Housing authorities are required to give priority consideration to the rehabilitation of vacant rental units and capital projects that are already underway or included in the five-year capital fund plans.
  - (c) HOME funding to the Washington state housing finance commission for a competitive program pursuant to the qualified allocation plan to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under section 42(h) of the internal revenue code of 1986.
  - (d) Weatherization appropriated in section 1052 of this act for grants and loans to local energy programs for weatherization of multifamily and single family homes.

Appropriation:

State Building Construction Account--State. . . . .	\$30,000,000
State Taxable Building Construction Account--State. . . . .	\$60,000,000
Washington Housing Trust Account--State. . . . .	\$10,000,000
Subtotal Appropriation. . . . .	\$100,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$400,000,000
TOTAL. . . . .	\$500,000,000

**NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Schools (91000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following:

(1) The acquisition, rehabilitation, expansion, or improvement of surplus school buildings to be converted into community facilities for the delivery of nonresidential coordinated services for children and families.

(a) Eligible applicants include local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments. Only the following surplus schools may be eligible for grant funding under this section: Fauntleroy school, University Heights school, and Martin Luther King elementary school.

(b) As part of the grant process, applicants must submit a comprehensive plan for the use of the surplus school that includes information on the following:

(i) A list of partner entities that will assist the lead eligible applicant to provide or coordinate services for children and families;

(ii) A memorandum of understanding between the lead eligible applicant and each partner; and

(iii) An examination of capital and operating funding sources that applicants intend to apply to the project and coordinated services at each school to be served, whether such funding is derived from grants under this section or from other federal, state, local, or private sources.

(c) Project applicants must demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and requires state funding to accomplish a discrete, usable phase of the project that may include acquisition.

(d) If grant funds under this subsection are used for the acquisition of surplus school facilities, the sale proceeds must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities in the district, but shall not be used as local match for projects receiving state school construction assistance grants.

(e) In contracts for grants authorized under this subsection, the department shall include provisions that require that capital improvements must be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(2) The construction of a non-mobile facility, accessible to students in central and eastern Washington for the purpose of financial literacy education, for the eastern and western Washington junior achievement world initiative.

Appropriation:

State Building Construction Account--State. . . . .	\$5,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
Total. . . . .	\$5,000,000

**NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Renewable Farming (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington renewable farming group to conduct grant writing activities in order to raise funds other than state funds to promote research, development, and marketing of bioproducts.

Appropriation:

Energy Freedom Account--State. . . . .	\$45,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
Total. . . . .	\$45,000

**NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Local and Community Projects (30000019)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.
- (5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).
- (6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.
- (7) The appropriation is provided solely for the following list of projects:

**Local Community Projects**

7th St. Theater	\$330,000
Arc of Tri-Cities	\$900,000
Bellevue Clinic--Seattle Children's Hospital	\$2,000,000
Blessed Sacrament Food and Emergency Facilities Renovation	\$200,000
Children's Village Expansion Project	\$500,000
Coal Creek YMCA (Newcastle)	\$800,000
Dawson Place Child Advocacy Center	\$1,000,000
Federal Way National Little League Field Lighting Project and Monument Entry Sign	\$177,000
Harlequin Theater	\$235,000
Home Dialysis Center and Professional Workforce Training	\$250,000
Kirkland Park Place Redevelopment	\$2,000,000
Livingston Baker Fire and Life Safety	\$750,000
Marshland Diking District	\$500,000
Marysville Boys & Girls Club	\$500,000
McClure Middle School Energy Saving Performance Contract Demonstration Project	\$1,000,000
Mountains to Sound Greenway	\$100,000
Mukilteo Boys & Girls Club	\$150,000
Neighborcare Health Clinic and Rainier Beach Medical Clinic	\$1,000,000
Parkland at Japanese Gulch	\$1,000,000
Petrovitsky Park Upgrade	\$750,000
Phoenix House	\$200,000
Poulsbo Marine Center	\$500,000
Public Broadcasting Frequency Expansion	\$223,000
Ready by Five Early Learning Center	\$1,000,000
Renovations to Mill Creek City Annex Building	\$30,000
Snohomish County Emergency Center	\$1,000,000
South Tacoma Community Center	\$1,000,000
Whatcom Hospice House	\$700,000
Zina Linnik	\$950,000

Appropriation:

State Building Construction Account--State. ....	\$19,745,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$19,745,000

**NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Community Development Block Grant (91000011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for community development block grants.

Appropriation:

General Fund--Federal. ....	\$4,200,000
Prior Biennia (Expenditures). ....	\$0

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,200,000

**NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Temporary Public Works Grant Program (92000021)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for the specified public works projects and competitive public works grant programs specified below. The public works board (board) shall administer the following competitive public works grant programs within the amounts specified, provided that up to ten percent of the amounts provided for competitive grant programs may be transferred to other competitive grant categories if acceptable applications for any category do not total the amount available.

(1) \$10,000,000 is provided solely for a competitive public works grant program for local governments serving communities in rural counties as defined in RCW 43.160.020. The board shall prioritize applications for funding for this small community jobs program based on the following criteria:

- (a) The unemployment rate of the community;
- (b) The ability of the applicant to complete the project promptly; and
- (c) The value the project presents to the community in lasting improvements to public safety, environmental quality, recreation and community life, or economic development.

(2) \$10,000,000 is provided solely for a competitive public works grant program for local governments serving high density urban communities. The board shall prioritize applications for funding from this urban vitality program based on the following criteria:

(a) The proposed project's ability to decrease the per capita vehicle miles driven in the community by increasing access to mass transit, supporting residential density in proximity to employment opportunities, and improving the safety and appeal of walking and biking in a community;

- (b) The ability of the applicant to complete the project promptly; and

(c) The local support for the project as indicated by the level of local matching funds devoted to the project. Local matching funds do not include funds from other state sources.

(3) The state taxable building construction account--state appropriation is provided solely for emergency loans under RCW 43.155.065.

(4) \$40,803,000 is provided solely for the following list of projects. The appropriation for Airway Heights wastewater treatment plant is contingent upon a capacity agreement with the Kalspel Tribe that precludes the need to build multiple wastewater treatment facilities on the West Plains. If any project on the following list is unable to show reasonable progress towards accomplishing the intended project by December 31, 2010, the board may transfer the amount allocated for the project to the competitive grant categories in subsections (1) and (2) of this section.

Airway Heights Water Treatment Plant	\$1,000,000
Emergency Public Works Loans	\$2,000,000
Small Community Jobs - Assistance for Grand Coulee School	\$500,000
Small Community Jobs - Camano Island County Park Development	\$300,000
Small Community Jobs - Carnation Farmers Market	\$162,000
Small Community Jobs - Competitive Grants	\$10,000,000
Small Community Jobs - Dayton School Biomass Heating System	\$100,000
Small Community Jobs - Grandview Downtown Revitalization	\$500,000
Small Community Jobs - Green Acres Neighborhood Park	\$200,000
Small Community Jobs - Hoh Tribe Fire Station	\$623,000
Small Community Jobs - Longview Elementary Safety Underpass	\$250,000
Small Community Jobs - Mesa Playground	\$35,000
Small Community Jobs - Pasco Commercial Avenue Construction	\$800,000
Small Community Jobs - Union Gap School Crossing Improvement	\$227,000
Small Community Jobs - Yakima Downtown Futures	\$1,000,000
Small Community Jobs - Yelm Longmire Park	\$400,000
Urban Vitality - Competitive Grants	\$10,000,000
Urban Vitality - Federal Way Urban Infrastructure	\$5,000,000
Urban Vitality - Infrastructure for Puyallup (Parametrix)	\$2,000,000
Urban Vitality - Percival Landing	\$3,000,000
Urban Vitality - Redmond Square Development	\$2,000,000
Urban Vitality - Renton Hawks Landing	\$1,700,000
Water - Gig Harbor Waste Water Treatment	\$2,500,000
Water - Pine Terrace Water Association Project	\$300,000

Appropriation:

State Building Construction Account--State .....	\$42,597,000
State Taxable Building Construction Account--State.....	\$2,000,000
Subtotal Appropriation.....	\$44,597,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$44,597,000

**NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Energy Freedom Program (30000056)

The appropriation in this section is subject to the following conditions and limitations: \$38,500,000 of the general fund--federal is provided solely for deposit in the energy recovery act account to establish a revolving loan program, consistent with provisions of chapter . . ., Laws of 2009 (ESHB 2289). The department must consult with the clean energy leadership council, once it is established, prior to awarding funds from this account. The utilization of these funds shall be consistent with the recommendations, once developed, of the clean energy leadership council created by chapter . . ., Laws of 2009 (SSB 5921).

Appropriation:

Energy Recovery Act Account--Federal . . . . .	\$38,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$38,500,000

**NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 Weatherization (91000013)

Appropriation:

General Fund--Federal . . . . .	\$49,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$49,000,000

**NEW SECTION. Sec. 1053. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Oversight of State Facilities (20082855)

Appropriation:

State Building Construction Account--State . . . . .	\$1,532,000
Prior Biennia (Expenditures) . . . . .	\$1,419,000
Future Biennia (Projected Costs) . . . . .	\$6,192,000
TOTAL . . . . .	\$9,143,000

**NEW SECTION. Sec. 1054. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account--State . . . . .	\$313,000
Prior Biennia (Expenditures) . . . . .	\$687,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 1055. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Catastrophic Flood Relief (20084850)

Reappropriation:

State Building Construction Account--State . . . . .	\$47,351,000
Prior Biennia (Expenditures) . . . . .	\$2,649,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$50,000,000

**NEW SECTION. Sec. 1056. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Graving Dock Settlement (20084001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to fulfill the state's obligations in the settlement agreement in the case of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, and the associated economic development agreement, specifically to the city of Port Angeles for archaeological work as specified in the settlement agreement.

Appropriation:

State Building Construction Account--State. ....	\$280,000
Prior Biennia (Expenditures). ....	\$15,480,000
Future Biennia (Projected Costs). ....	\$140,000
TOTAL.....	\$15,900,000

**NEW SECTION. Sec. 1057. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Law Enforcement Academy Evaluation (92000001)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall contract with the police executive research forum to conduct an analysis of options for delivering basic law enforcement training to local law enforcement agencies and the Washington state patrol. The office of financial management shall establish a steering committee to advise the office of financial management and direct the work of the contractor. The steering committee shall include a representative of the governor, a representative of the Washington association of sheriffs and police chiefs, a representative of the criminal justice training commission, a representative of the Washington state patrol, a member of the senate, and a member of the house of representatives. The analysis shall include, but is not limited to:

- (1) Evaluation of the existing academy resources of the Washington state patrol and the criminal justice training commission, basic law enforcement academy, including the ability to meet demand for training, the potential for growth, and the condition of the facilities; and
- (2) Evaluation of the modes for delivering the training, including but not limited to: The use of community colleges for criminal law instruction; the use of distance learning at community and technical colleges; maintaining separate, geographically separate academies for the criminal justice training commission and the Washington state patrol; sharing facilities but maintaining separate curricula and instructors; and the consolidating instruction and facilities.

The office of financial management shall submit the final report to the legislature by November 1, 2009. The contract required by this section is not subject to chapter 5, Laws of 2009.

Appropriation:

State Building Construction Account--State. ....	\$100,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$100,000

**NEW SECTION. Sec. 1058. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Preservation Information (30000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to refresh preservation information that resides in the state's comparable framework for higher education buildings including any necessary revisions or adjustments that will enable more direct translation of information, updates for last renewal or replacement of major systems, and quality assurance field sampling. In executing this continued capital study, the office of financial management shall consult the legislative fiscal committees about its workplan to ensure field sampling of facilities prioritized for renovation or replacement, and timely delivery of assembled facilities information and related capital models in an easy to understand format. As a general condition, upon appropriations provided to higher education agencies in this act, the state board for community and technical colleges and each state baccalaureate institution shall provide requested facilities information in a timely manner to enable the office of financial management to complete the tasks and oversight assigned in this section.

Appropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$300,000

**NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Program (20082012)

Reappropriation:



State Building Construction Account--State. ....	\$15,000
Prior Biennia (Expenditures). ....	\$355,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$370,000

**NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Transportation Building Preservation (20021008)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$2,500,000
Prior Biennia (Expenditures). ....	\$7,116,000
Future Biennia (Projected Costs). ....	\$22,706,000
TOTAL.....	\$32,322,000

**NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Highway-License Building Repair and Renewal (20061013)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$100,000
Prior Biennia (Expenditures). ....	\$3,423,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,523,000

**NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Center/Executive Office Bldg Development (20082954)

Reappropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$1,700,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1063. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Natural Resources Building Repairs and Renewal (20061014)

Reappropriation:

State Vehicle Parking Account--State. ....	\$30,000
Thurston County Capital Facilities Account--State. ....	\$100,000
Subtotal Reappropriation. ....	\$130,000
Prior Biennia (Expenditures). ....	\$2,853,000
Future Biennia (Projected Costs). ....	\$4,520,000
TOTAL.....	\$7,503,000

**NEW SECTION. Sec. 1064. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Infrastructure Preservation (20081004)

Reappropriation:

Thurston County Capital Facilities Account--State. ....	\$136,000
State Building Construction Account--State. ....	\$584,000
Subtotal Reappropriation. ....	\$720,000
Prior Biennia (Expenditures). ....	\$4,401,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,121,000

**NEW SECTION. Sec. 1065. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

O'Brien Building Improvements (20081007)

Reappropriation:

State Building Construction Account--State. . . . . \$1,500,000

Appropriation:

State Building Construction Account--State. . . . . \$9,671,000

Prior Biennia (Expenditures). . . . . \$1,481,000

Future Biennia (Projected Costs). . . . . \$5,329,000

TOTAL. . . . . \$17,981,000

**NEW SECTION. Sec. 1066. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus High Voltage System Improvements (20081010)

Reappropriation:

State Building Construction Account--State. . . . . \$1,300,000

Prior Biennia (Expenditures). . . . . \$904,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$2,204,000

**NEW SECTION. Sec. 1067. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Improvements (20081011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the repair and patching of the outside of the legislative building.

Reappropriation:

State Building Construction Account--State. . . . . \$172,000

Appropriation:

State Building Construction Account--State. . . . . \$500,000

Prior Biennia (Expenditures). . . . . \$1,079,000

Future Biennia (Projected Costs). . . . . \$4,639,000

TOTAL. . . . . \$6,390,000

**NEW SECTION. Sec. 1068. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Facility Preservation (20081015)

Reappropriation:

State Building Construction Account--State. . . . . \$380,000

Thurston County Capital Facilities Account--State. . . . . \$723,000

Subtotal Reappropriation. . . . . \$1,103,000

Prior Biennia (Expenditures). . . . . \$5,583,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$6,686,000

**NEW SECTION. Sec. 1069. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Relocation (20082028)

Reappropriation:

State Building Construction Account--State. . . . . \$1,500,000

Prior Biennia (Expenditures). . . . . \$500,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$2,000,000

**NEW SECTION. Sec. 1070. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency Newhouse Repairs and South Campus Plan (20082952)

Reappropriation:

State Building Construction Account--State. . . . . \$175,000

Prior Biennia (Expenditures) .....	\$575,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$750,000

**NEW SECTION. Sec. 1071. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capital Lake Plan Completion (20082953)

Reappropriation:

State Building Construction Account--State. ....	\$200,000
Prior Biennia (Expenditures) .....	\$300,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 1072. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Campus Monuments Repair and Restoration (20091003)

Reappropriation:

State Building Construction Account--State. ....	\$200,000
Prior Biennia (Expenditures) .....	\$88,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$288,000

**NEW SECTION. Sec. 1073. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works Preservation (30000012)

Appropriation:

State Building Construction Account--State. ....	\$2,800,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$34,109,000
TOTAL.....	\$36,909,000

**NEW SECTION. Sec. 1074. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency Repairs (30000033)

Appropriation:

State Building Construction Account--State. ....	\$2,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$7,000,000
TOTAL.....	\$9,500,000

**NEW SECTION. Sec. 1075. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Powerhouse: Improvements and Preservation (30000056)

Appropriation:

State Building Construction Account--State. ....	\$1,459,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,459,000

**NEW SECTION. Sec. 1076. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Facility Oversight Program: Staffing (30000063)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department of general administration to assist the office of financial management with the development and implementation of RCW 43.82.035 and 43.82.055.

Appropriation:

State Building Construction Account--State. ....	\$740,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$5,597,000
TOTAL.....	\$6,337,000

**NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Center and Executive Office Building (20082858)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided to reimburse the general administration services account for design costs for the executive office building, and for a revision to the predesign of the heritage center executive office building. The revised predesign must align the scope of the project with the level of financing that available revenues will support. The revised predesign must specify the tenants of the executive office building, based on the capital campus master plan criteria, and must reduce the size of the heritage center to what is needed for the state library and exhibit space for historically significant documents from the state archives and rotating exhibits from national, state, and local historical museums.

Appropriation:

State Building Construction Account--State. ....	\$2,200,000
Washington State Heritage Center Account--State.....	\$1,000,000
Subtotal Appropriation.....	\$3,200,000
Prior Biennia (Expenditures). ....	\$5,805,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$9,005,000

**NEW SECTION. Sec. 1078. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services: Staffing (30000086)

Appropriation:

State Building Construction Account--State. ....	\$9,300,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$43,033,000
TOTAL.....	\$52,333,000

**NEW SECTION. Sec. 1079. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1

**NEW SECTION. Sec. 1080. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Disposal Plan for Downtown Olympia DFW Properties (92000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the development of a plan for the disposal of the department of fish and wildlife facilities in downtown Olympia. The plan shall include consultation with the city of Olympia for determining how development options for the site fit within the city's development plans for downtown. The plan shall also recommend options for disposal that will yield the highest return to the state, including selling the property as is under existing surplus property laws, transferring the property to the city for eventual development with the appropriate share of investment returns paid to the state, preparing the site for development and then selling the property, and other options for disposal.

Appropriation:

State Building Construction Account--State. ....	\$100,000
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Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$100,000

**NEW SECTION. Sec. 1081. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Pro Arts Building (91000002)

The appropriation in this section is subject to the following conditions and limitations: Predesign and design funds are provided solely to develop a new office building. Up to \$225,000 may be used to develop the predesign for the Pro Arts site to include a new office building that may house tenants from the general administration building including the office of financial management, the Puget Sound partnership, the office of the state treasurer, and other small commissions and agencies. The predesign shall be developed with representatives from the capitol campus design advisory committee, the department of general administration, and the office of financial management. The predesign shall be used to develop the optimum use of space for the Pro Arts site, identify any required mitigation, parking requirements, schedule of construction, and cost of construction. The predesign shall be provided to the appropriate fiscal committees of the legislature and the office of financial management by February 1, 2010. The allotment for design funds will be made after the predesign is approved by the office of financial management and the appropriate fiscal committees of the legislature.

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1082. FOR THE LIQUOR CONTROL BOARD**

Minor Works (30000009)

Appropriation:

Liquor Control Board Construction and Maintenance Account--State. ....	\$315,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$315,000

**NEW SECTION. Sec. 1083. FOR THE MILITARY DEPARTMENT**

Minor Works - Facility Preservation (20081004)

Reappropriation:

General Fund--Federal. ....	\$1,610,000
State Building Construction Account--State. ....	\$374,000
Subtotal Reappropriation. ....	\$1,984,000
Prior Biennia (Expenditures) .....	\$5,839,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$7,823,000

**NEW SECTION. Sec. 1084. FOR THE MILITARY DEPARTMENT**

Minor Works - Program (20082003)

Reappropriation:

General Fund--Federal. ....	\$1,467,000
State Building Construction Account--State. ....	\$255,000
Subtotal Reappropriation. ....	\$1,722,000
Prior Biennia (Expenditures) .....	\$4,381,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$6,103,000

**NEW SECTION. Sec. 1085. FOR THE MILITARY DEPARTMENT**

Flood Warning Systems (20082851)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the emergency management division in consultation with the department of ecology, the department of community, trade, and economic development, the Washington association of counties, the United States army corps of engineers, the national oceanic and atmospheric association, and the national weather service to develop the following:

- (1) An inventory and description of flood warning systems currently in place in flood hazard areas of the state, including manual systems and electronic systems;
- (2) A needs assessment indicating what specific areas of the state could be better served by flood warning systems based on flooding areas mapped under the federal emergency management act. The needs assessment must include recommendations regarding how to make timely notification of flood warnings and how to gather and share data about potential flood areas;
- (3) An information bank of flood warning systems, with descriptions of available and emerging technologies, and estimates of the costs of purchasing, installing, and maintaining these systems;
- (4) Sources of potential federal assistance for local flood warning systems; and
- (5) Recommendations to assist local governments in the financing of capital costs of flood warning systems, including the potential to modify existing state programs.

The recommendations must be reported to the office of financial management and legislature by December 15, 2009.

Reappropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$250,000

**NEW SECTION. Sec. 1086. FOR THE MILITARY DEPARTMENT**

Minor Works Preservation (30000002)

Appropriation:

General Fund--Federal. . . . .	\$3,069,000
State Building Construction Account--State. . . . .	\$1,709,000
Subtotal Appropriation. . . . .	\$4,778,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$18,700,000
TOTAL. . . . .	\$23,478,000

**NEW SECTION. Sec. 1087. FOR THE MILITARY DEPARTMENT**

Minor Works Program (30000003)

Appropriation:

General Fund--Federal. . . . .	\$679,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$10,229,000
TOTAL. . . . .	\$10,908,000

**NEW SECTION. Sec. 1088. FOR THE MILITARY DEPARTMENT**

Emergency Repairs (30000059)

Appropriation:

State Building Construction Account--State. . . . .	\$100,000
General Fund--Federal. . . . .	\$100,000
Subtotal Appropriation. . . . .	\$200,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$800,000
TOTAL. . . . .	\$1,000,000

**NEW SECTION. Sec. 1089. FOR THE MILITARY DEPARTMENT**

Infrastructure Savings (30000480)

Appropriation:

State Building Construction Account--State. . . . .	\$1
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1

**NEW SECTION, Sec. 1090. FOR THE MILITARY DEPARTMENT**

Energy Conservation Projects (20082005)

Reappropriation:

General Fund--Federal. . . . .	\$30,000
State Building Construction Account--State. . . . .	\$30,000
Subtotal Reappropriation. . . . .	\$60,000

Prior Biennia (Expenditures) . . . . .	\$490,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$550,000

**NEW SECTION, Sec. 1091. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Historical Courthouse Rehabilitation (20082851)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovation completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. All rehabilitation work must comply with the secretary of interior's standards for rehabilitation. Grants may not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

(2) The society shall continue to use the revised eligibility criteria and grant application process that includes the review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet Americans with disabilities act standards and accessibility and all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer.

(3) The society and the courthouse advisory committee shall include readiness to proceed when developing the priority list of projects to fund.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,800,000
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Prior Biennia (Expenditures) . . . . .	\$2,200,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,000,000

**NEW SECTION, Sec. 1092. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Historic Barn Preservation (20084851)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for implementation of the heritage barn preservation program created in chapter 333, Laws of 2007.

Reappropriation:

State Building Construction Account--State. . . . .	\$158,000
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Appropriation:

State Building Construction Account--State. . . . .	\$300,000
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Prior Biennia (Expenditures) . . . . .	\$342,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$800,000

**NEW SECTION, Sec. 1093. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Courthouse Preservation (30000004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovation completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. All rehabilitation work must comply with the secretary of interior's standards for rehabilitation. Grants may not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

(2) The department shall continue to use the revised eligibility criteria and grant application process that includes the review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet the Americans with disabilities act standards and that all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer.

(3) The department and the courthouse advisory committee shall include readiness to proceed when developing the priority list of projects to fund.

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 1094. FOR THE STATE CONVENTION AND TRADE CENTER**

Convention Center Expansion (91000001)

The appropriation in this section is subject to the following conditions and limitations:

(1) After July 1, 2010, the convention center shall enter into a financing contract for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to conduct planning and design activities for expansion of the state convention center. By December 1, 2009, the state convention and trade center corporation shall submit to the office of financial management and the fiscal committees of the legislature, a study of the feasibility and a proposal for the long-term financing of expansion of the state convention center. The study shall include a description by the state treasurer's office of options for financing the convention center expansion without the use of bonds subject to the state constitutional limit on debt service payments with the estimated annual debt service payments for those options. The report shall also include a forecast by the office of financial management of revenues that are intended to support debt service payments for the convention center expansion.

(2) The convention and trade center corporation shall work with labor and business stakeholders from the hospitality industry to develop a plan that must include the following elements: (a) Recommendations on how to best achieve the creation of full-time, stable, living wage jobs in the hospitality/hotel industry resulting from the convention place station expansion; (b) ways to recruit local residents and members of communities experiencing high unemployment for the new jobs created; (c) a process to promote positive labor relations in order to protect the government's financial investment and to avoid disruptions of the convention center operations and of businesses supporting the convention center and its visitors; and (d) a competitive bidding process for the selection of a hotel developer and operator in potential public/private hotel partnerships. The report must be submitted with the feasibility study, required in this subsection, to the office of financial management and the fiscal committees of the legislature.

Appropriation:

State Convention and Trade Center Account--State.....	\$10,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$10,000,000

**NEW SECTION. Sec. 1093. FOR THE STATE CONVENTION AND TRADE CENTER**

Minor Works Facility Preservation (30000001)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Convention and Trade Center Account--State.....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000



**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Replace Hawthorne Hall Dormitory (20082001)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall allot funds for the dormitory construction at the criminal justice training commission only after the recommendation of the steering committee participating in the analysis in section 1057 of this act has been provided to the legislative fiscal committees and submitted to the office of financial management for review.

Appropriation:

State Building Construction Account--State. . . . . \$16,745,000

Reappropriation:

State Building Construction Account--State. . . . . \$632,000

Prior Biennia (Expenditures). . . . . \$1,293,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$18,670,000

**NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

School Mapping (30000011)

The appropriation in this section is subject to the following conditions and limitations: The legislature intends to complete half of the remaining community and technical college mapping with this appropriation and to appropriate funding for the remaining half of unmapped square feet in community and technical colleges in the 2011-13 biennium.

Appropriation:

State Building Construction Account--State. . . . . \$500,000

Prior Biennia (Expenditures). . . . . \$0

Future Biennia (Projected Costs). . . . . \$546,000

TOTAL. . . . . \$1,046,000

**NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Facilities Assessment and Cultural Resources Planning (20061120)

Reappropriation:

State Building Construction Account--State. . . . . \$150,000

Prior Biennia (Expenditures). . . . . \$150,000

Future Biennia (Projected Costs). . . . . \$1,200,000

TOTAL. . . . . \$1,500,000

**NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School: New Inmate Management Unit, Health Center, and Administration (20062202)

Reappropriation:

State Building Construction Account--State. . . . . \$3,600,000

Prior Biennia (Expenditures). . . . . \$11,227,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$14,827,000

**NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mental Health Division-Eastern Washington: Evaluation and Treatment (20064352)

Reappropriation:

State Building Construction Account--State. . . . . \$1,500,000

Prior Biennia (Expenditures). . . . . \$0

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mental Health Division-Children's Long-Term Inpatient Program Facilities: Preservation (20064353)

The reappropriation in this section is subject to the following conditions and limitations: The department shall evaluate options for maximizing federal fund contributions for capital needs of privately owned facilities that contract with the department for children's long-term inpatient program services.

Reappropriation:

State Building Construction Account--State. ....	\$1,250,000
Prior Biennia (Expenditures) .....	\$2,762,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,012,000

**NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency Repairs (20081101)

Reappropriation:

State Building Construction Account--State. ....	\$100,000
Prior Biennia (Expenditures) .....	\$877,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$977,000

**NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Health, Safety, and Code Requirements (20081111)

Reappropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures) .....	\$3,200,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,200,000

**NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Facility Preservation (20081112)

Reappropriation:

State Building Construction Account--State. ....	\$3,500,000
Prior Biennia (Expenditures) .....	\$5,500,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$9,000,000

**NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Infrastructure Preservation (20081113)

Reappropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures) .....	\$2,700,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,700,000

**NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Hazards Abatement and Demolition (20081119)

Reappropriation:

State Building Construction Account--State. ....	\$400,000
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Prior Biennia (Expenditures) . . . . .	\$200,000
Future Biennia (Projected Costs) . . . . .	\$2,000,000
TOTAL . . . . .	\$2,600,000

**NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital New Kitchen and Commissary Building (20081319)

Reappropriation:

State Building Construction Account--State. . . . .	\$400,000
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Appropriation:

State Building Construction Account--State. . . . .	\$650,000
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Prior Biennia (Expenditures) . . . . .	\$250,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,300,000

**NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital Laundry Upgrades (20081325)

Reappropriation:

State Building Construction Account--State. . . . .	\$200,000
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Prior Biennia (Expenditures) . . . . .	\$2,658,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,858,000

**NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center: Utility Replacements (20081504)

The reappropriation and appropriation in this section are subject to the following conditions and limitations: It is the intent of the appropriation and reappropriation to replace essential utilities, such as sanitary sewer, high voltage electrical, and fiber optic communications, serving the special commitment center and McNeil corrections center on McNeil Island by replacing the Island's electrical feed from the shoreline landing to the McNeil corrections center generator building, and continuing on to the special commitment center. The department shall coordinate the work with the department of corrections for the most cost-effective approach to the work.

Reappropriation:

State Building Construction Account--State. . . . .	\$2,900,000
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Appropriation:

State Building Construction Account--State. . . . .	\$3,490,000
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Prior Biennia (Expenditures) . . . . .	\$140,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,530,000

**NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School Waste Treatment Plant (20082001)

Reappropriation:

State Building Construction Account--State. . . . .	\$400,000
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Prior Biennia (Expenditures) . . . . .	\$3,800,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,200,000

**NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center Medium Management Housing Addition (20082505)

The reappropriation in this section is subject to the following conditions and limitations:

The reappropriation is to add residential space to existing facilities by remodeling existing residential space and converting existing program space to residential space for additional beds.

Reappropriation:

State Building Construction Account--State. . . . .	\$700,000
Prior Biennia (Expenditures). . . . .	\$575,000
Future Biennia (Projected Costs). . . . .	\$53,664,000
TOTAL. . . . .	\$54,939,000

**NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest Campus Master Plan (20082850)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The department shall resume and complete a master plan of the portion of the Fircrest campus that is not utilized by the Fircrest school or the department of health.

(2) In drafting the master plan, the department shall consult with the following:

- (a) The city of Shoreline;
- (b) The department of natural resources;
- (c) The department of health regarding their master planning effort;
- (d) Representatives of institutions of higher education with whom the department has a partnership; and
- (e) Representatives of the Shoreline community and neighboring communities.

Reappropriation:

State Building Construction Account--State. . . . .	\$50,000
Prior Biennia (Expenditures). . . . .	\$395,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$445,000

**NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village: Nine Cottages Renovation, Phase 4, 5, and 6 (20061402)

Reappropriation:

State Building Construction Account--State. . . . .	\$200,000
Prior Biennia (Expenditures). . . . .	\$5,536,000
Future Biennia (Projected Costs). . . . .	\$3,063,000
TOTAL. . . . .	\$8,799,000

**NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen Children's Center - Housing Units (20081041)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,500,000
Prior Biennia (Expenditures). . . . .	\$900,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,400,000

**NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Health, Safety, and Code Requirements (30000366)

Appropriation:

State Building Construction Account--State. . . . .	\$2,650,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$20,458,000
TOTAL. . . . .	\$23,108,000

**NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Infrastructure Preservation (30000367)

Appropriation:

State Building Construction Account--State. . . . .	\$2,320,000
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Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$16,658,000
TOTAL.....	\$18,978,000

**NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works - Facilities Preservation (30000368)

Appropriation:

State Building Construction Account--State. ....	\$5,590,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$30,739,000
TOTAL.....	\$36,329,000

**NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency Repairs (30000485)

Appropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Capital Project Management: Staffing (30000486)

Appropriation:

State Building Construction Account--State. ....	\$1,250,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,250,000

**NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Traffic Study Implementation (30000843)

Appropriation:

State Building Construction Account--State. ....	\$355,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$996,000
TOTAL.....	\$1,351,000

**NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen Childrens Center: Portable Classroom Replacement (30000844)

Appropriation:

State Building Construction Account--State. ....	\$850,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$743,000
TOTAL.....	\$1,593,000

**NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Roof Replacements (30000846)

Appropriation:

State Building Construction Account--State. ....	\$1,085,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$1,088,000

TOTAL..... \$2,173,000

**NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Roof Replacements (30000851)

Appropriation:

State Building Construction Account--State. .... \$620,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$3,198,000

TOTAL..... \$3,818,000

**NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Westlake Building Renovation (30000852)

Appropriation:

State Building Construction Account--State. .... \$840,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$2,093,000

TOTAL..... \$2,933,000

**NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. .... \$1

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$1

**NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory Addition (20082003)

Appropriation:

State Building Construction Account--State. .... \$8,165,000

Prior Biennia (Expenditures). .... \$2,012,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$10,177,000

**NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (20064001)

Reappropriation:

Drinking Water Assistance Account--Federal. .... \$36,000,000

Prior Biennia (Expenditures). .... \$58,596,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$94,596,000

**NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory HVAC Systems Upgrades (20081002)

Reappropriation:

State Building Construction Account--State. .... \$4,500,000

Prior Biennia (Expenditures) . . . . .	\$412,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,912,000

**NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (30000013)

The appropriation in this section is subject to the following conditions and limitations: \$38,462,000 is provided from the American recovery and reinvestment act of 2009.

Appropriation:

Drinking Water Assistance Account--Federal . . . . .	\$24,348,000
Drinking Water Assistance Account--Federal American Recovery and Reinvestment Act . . . . .	\$38,462,000
Subtotal Appropriation . . . . .	\$62,810,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$62,810,000

**NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF HEALTH**

Greywater Rule Development (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for greywater rule development activities required by RCW 90.46.015 for the protection of public health. The rules must be adopted by December 31, 2010. As a part of the rulemaking process, the department must consider methods to reduce barriers to and provide incentives for greywater use.

Appropriation:

Public Works Assistance Account--State . . . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$100,000

**NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF HEALTH**

Minor Works - Facility Preservation (30000015)

Appropriation:

State Building Construction Account--State . . . . .	\$597,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$597,000

**NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

State Veterans Cemetery (20082004)

Reappropriation:

General Fund--Federal . . . . .	\$6,815,000
Prior Biennia (Expenditures) . . . . .	\$1,010,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$7,825,000

**NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works - Facilities Preservation (30000003)

Appropriation:

State Building Construction Account--State . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$6,585,000
TOTAL . . . . .	\$7,085,000

**NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Minor Works - Program Projects (30000004)

Appropriation:

State Building Construction Account--State. ....	\$115,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$5,463,000
TOTAL.....	\$5,578,000

**NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Emergency Repairs (30000053)

Appropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,200,000
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF CORRECTIONS**  
 Coyote Ridge Corrections Center: Design and Construct Medium Security Beds (19982011)

Reappropriation:

State Building Construction Account--State. ....	\$4,772,000
Prior Biennia (Expenditures). ....	\$228,170,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$232,942,000

**NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington Corrections Center: Regional Infrastructure (20042008)

Reappropriation:

State Building Construction Account--State. ....	\$5,700,000
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Appropriation:

State Building Construction Account--State. ....	\$900,000
Prior Biennia (Expenditures). ....	\$9,029,000
Future Biennia (Projected Costs). ....	\$4,000,000
TOTAL.....	\$19,629,000

**NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF CORRECTIONS**  
 McNeil Island Corrections: Replace and Stabilize Housing Unit Siding (20061005)

Reappropriation:

State Building Construction Account--State. ....	\$400,000
Prior Biennia (Expenditures). ....	\$3,394,000
Future Biennia (Projected Costs). ....	\$4,087,000
TOTAL.....	\$7,881,000

**NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington State Penitentiary: South Close Security Complex (20062021)

Reappropriation:

State Building Construction Account--State. ....	\$35,950,000
Prior Biennia (Expenditures). ....	\$29,344,000
Future Biennia (Projected Costs). ....	\$14,276,000
TOTAL.....	\$79,570,000



**NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: Health Care Facility (20062043)

Reappropriation:

State Building Construction Account--State. ....	\$283,000
Prior Biennia (Expenditures). ....	\$417,000
Future Biennia (Projected Costs). ....	\$89,446,000
TOTAL.....	\$90,146,000

**NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Healthcare Center (20062066)

Reappropriation:

State Building Construction Account--State. ....	\$7,700,000
Prior Biennia (Expenditures). ....	\$11,358,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$19,058,000

**NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center Install Close Custody Slider Doors (20062070)

Reappropriation:

State Building Construction Account--State. ....	\$374,000
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Appropriation:

State Building Construction Account--State. ....	\$2,160,000
Prior Biennia (Expenditures). ....	\$376,000
Future Biennia (Projected Costs). ....	\$16,000,000
TOTAL.....	\$18,910,000

**NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF CORRECTIONS**

Larch Corrections Center: 80-Bed Expansion (20062852)

Reappropriation:

State Building Construction Account--State. ....	\$560,000
Prior Biennia (Expenditures). ....	\$2,512,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,072,000

**NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF CORRECTIONS**

Airway Heights Heating and Cooling Loop Replacement (20081001)

Reappropriation:

State Building Construction Account--State. ....	\$180,000
Prior Biennia (Expenditures). ....	\$2,745,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,925,000

**NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center: Replace Barge Slip Pilings (20081002)

Reappropriation:

State Building Construction Account--State. ....	\$3,612,000
Prior Biennia (Expenditures). ....	\$288,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,900,000

**NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Kitchen Roofs at Monroe Correctional Complex (20081003)

Reappropriation:

State Building Construction Account--State. ....	\$250,000
Prior Biennia (Expenditures). ....	\$1,812,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,062,000

**NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace G Building Roof (20081004)

Reappropriation:

State Building Construction Account--State. ....	\$412,000
Prior Biennia (Expenditures). ....	\$4,019,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,431,000

**NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Roofs (20081005)

Reappropriation:

State Building Construction Account--State. ....	\$900,000
Prior Biennia (Expenditures). ....	\$5,766,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,666,000

**NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Replace Roofs (20081007)

Reappropriation:

State Building Construction Account--State. ....	\$1,200,000
Prior Biennia (Expenditures). ....	\$589,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,789,000

**NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Fire Alarm System (20081008)

Reappropriation:

State Building Construction Account--State. ....	\$600,000
Prior Biennia (Expenditures). ....	\$924,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,524,000

**NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS**

Replace Electrical Distribution Building at Special Offenders Unit (20081009)

Reappropriation:

State Building Construction Account--State. ....	\$539,000
Prior Biennia (Expenditures). ....	\$683,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,222,000

**NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Reformatory: Replace Cell Door and Electronics (20081010)

Reappropriation:

State Building Construction Account--State. ....	\$230,000
Prior Biennia (Expenditures). ....	\$1,315,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,545,000

**NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Replace Telecommunications Infrastructure (20081013)

Reappropriation:

State Building Construction Account--State. ....	\$1,329,000
Prior Biennia (Expenditures). ....	\$521,000
Future Biennia (Projected Costs). ....	\$19,045,000
TOTAL.....	\$20,895,000

**NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Infrastructure Preservation (20081018)

Reappropriation:

State Building Construction Account--State. ....	\$1,034,000
Prior Biennia (Expenditures). ....	\$966,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Health, Safety, and Code Requirements (20081031)

Reappropriation:

State Building Construction Account--State. ....	\$1,391,000
Prior Biennia (Expenditures). ....	\$1,609,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Facility Preservation (20081024)

Reappropriation:

State Building Construction Account--State. ....	\$441,000
Prior Biennia (Expenditures). ....	\$2,559,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Laundry Improvements (20081033)

Reappropriation:

State Building Construction Account--State. ....	\$3,701,000
Prior Biennia (Expenditures). ....	\$350,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,051,000

**NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Expand Reception Center (20082016)

The appropriation in this section is subject to the following conditions and limitations: Prior to the allotment of design funds, the office of financial management shall undertake a budget evaluation study of the project.

Reappropriation:

State Building Construction Account--State. ....	\$73,000
Prior Biennia (Expenditures). ....	\$397,000
Future Biennia (Projected Costs). ....	\$64,100,000
TOTAL.....	\$64,570,000

**NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS**

Mission Creek Corrections Center for Women: 100-Bed Expansion (20082020)

Reappropriation:

State Building Construction Account--State. ....	\$5,331,000
Prior Biennia (Expenditures). ....	\$1,296,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,627,000

**NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex: Close Sewer Lagoon (20082022)

Reappropriation:

State Building Construction Account--State. ....	\$101,000
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Appropriation:

State Building Construction Account--State. ....	\$1,162,000
Prior Biennia (Expenditures). ....	\$128,000
Future Biennia (Projected Costs). ....	\$9,524,000
TOTAL.....	\$10,915,000

**NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS**

Airway Heights Corrections Center: Sex Offender Treatment Program Building (20082028)

Reappropriation:

State Building Construction Account--State. ....	\$550,000
Prior Biennia (Expenditures). ....	\$4,397,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,947,000

**NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Roof Replacement (30000178)

Reappropriation:

State Building Construction Account--State. ....	\$1,832,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,832,000

**NEW SECTION. Sec. 2068. FOR THE DEPARTMENT OF CORRECTIONS**

300 Minimum Security Bed Expansion - Three Locations (20082850)

Reappropriation:

State Building Construction Account--State. ....	\$321,000
Prior Biennia (Expenditures). ....	\$156,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$477,000

**NEW SECTION. Sec. 2069. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Infrastructure Preservation (30000016)

Appropriation:

State Building Construction Account--State. ....	\$1,446,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$9,238,000
TOTAL.....	\$10,684,000

**NEW SECTION. Sec. 2070. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Health, Safety, and Code Requirements (30000047)

Appropriation:

State Building Construction Account--State. ....	\$2,609,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,374,000
TOTAL.....	\$15,983,000

**NEW SECTION. Sec. 2071. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Facility Preservation (30000086)

Appropriation:

State Building Construction Account--State. ....	\$2,857,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$11,741,000
TOTAL.....	\$14,598,000

**NEW SECTION. Sec. 2072. FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Replace 5 Towers and Housing Roofs (30000108)

The appropriation in this section is subject to the following conditions and limitations: The funding is provided solely for the replacement of roofs on offender housing units.

Appropriation:

State Building Construction Account--State. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 2073. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Replace Fire Alarm (30000121)

Appropriation:

State Building Construction Account--State. ....	\$1,625,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,625,000

**NEW SECTION. Sec. 2074. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Fire Detection/Suppression (30000123)

Appropriation:

State Building Construction Account--State. ....	\$1,098,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,098,000

**NEW SECTION. Sec. 2075. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: Water Line Replacements (30000137)

Appropriation:

State Building Construction Account--State. ....	\$1,809,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,809,000

**NEW SECTION. Sec. 2076. FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Programmatic Projects (30000173)

Appropriation:

State Building Construction Account--State. ....	\$3,734,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$21,423,000
TOTAL.....	\$25,157,000

**NEW SECTION. Sec. 2077. FOR THE DEPARTMENT OF CORRECTIONS**

Emergency Repairs (30000346)

Appropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$12,000,000
TOTAL.....	\$13,500,000

**NEW SECTION. Sec. 2078. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Kitchen Improvements (20061007)

Reappropriation:

State Building Construction Account--State. ....	\$402,000
Prior Biennia (Expenditures). ....	\$228,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$630,000

**NEW SECTION. Sec. 2079. FOR THE DEPARTMENT OF CORRECTIONS**

Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1

**PART 3  
NATURAL RESOURCES**

**NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY**

Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. ....	\$2,035,000
Prior Biennia (Expenditures). ....	\$18,163,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$20,198,000

**NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY**  
 Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The appropriation in this section is subject to the following conditions and limitations: \$9,000,000 of the appropriation is provided solely for design, engineering, and construction of a cover for filled trenches at the commercial low-level radioactive waste disposal facility. The cover must be placed as an interim remedial action in accordance with WAC 173-340-430. The office of financial management shall not authorize expenditure of this funding until the department of ecology and the department of health jointly submit to the office of financial management an updated schedule of actions and funding needed to complete site closure and decommissioning in accordance with the requirements described in the May 28, 2004, final environmental impact statement for the commercial low-level radioactive waste disposal site, located on the Hanford federal facility site.

Reappropriation:

Site Closure Account--State .....	\$3,900,000
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Appropriation:

Site Closure Account--State .....	\$9,000,000
Prior Biennia (Expenditures) .....	\$2,533,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$15,433,000

**NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Supply Facilities (20024006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State .....	\$1,022,000
Prior Biennia (Expenditures) .....	\$4,978,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Supply Facilities (20044006)

Reappropriation:

State Building Construction Account--State .....	\$1,600,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State .....	\$392,000
Subtotal Reappropriation .....	\$1,992,000
Prior Biennia (Expenditures) .....	\$11,658,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$13,650,000

**NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Fund (20044007)

Reappropriation:

State Building Construction Account--State .....	\$1,481,000
Water Quality Capital Account--State .....	\$31,000
Subtotal Reappropriation .....	\$1,512,000
Prior Biennia (Expenditures) .....	\$43,538,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$45,050,000

**NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY**  
 Water Conveyance Infrastructure Projects (20052850)

Reappropriation:

Water Quality Capital Account--State. ....	\$81,000
State Building Construction Account--State. ....	\$1,708,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State. ....	\$438,000
Subtotal Reappropriation. ....	\$2,227,000
Prior Biennia (Expenditures). ....	\$3,573,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,800,000

**NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY**  
 Sunnyside Valley Irrigation District Water Conservation (20052851)

Reappropriation:	
State Building Construction Account--State. ....	\$2,800,000
Appropriation:	
State Building Construction Account--State. ....	\$2,850,000
Prior Biennia (Expenditures). ....	\$4,147,000
Future Biennia (Projected Costs). ....	\$4,000,000
TOTAL.....	\$13,797,000

**NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY**  
 Quad Cities Water Right Mitigation (20052852)

Reappropriation:	
State Building Construction Account--State. ....	\$1,925,000
Prior Biennia (Expenditures). ....	\$275,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,200,000

**NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY**  
 State Drought Preparedness (20054009)

Reappropriation:	
State Drought Preparedness Account--State.....	\$738,000
Prior Biennia (Expenditures). ....	\$15,662,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$16,400,000

**NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY**  
 Low Impact Development for Storm Water Management (20062006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low- impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low-impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design provides similar performance. All projects must include performance monitoring.

Reappropriation:	
State Toxics Control Account--State. ....	\$799,000
Prior Biennia (Expenditures). ....	\$1,701,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,500,000

**NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY**  
 Columbia River Program (20062010)



Reappropriation:

State Building Construction Account--State. ....	\$1,423,000
Prior Biennia (Expenditures). ....	\$14,577,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$16,000,000

**NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY**

Motor Vehicle Mercury Removal Program (20062850)

Reappropriation:

State Toxics Control Account--State. ....	\$498,000
Prior Biennia (Expenditures). ....	\$502,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Basin Water Supply Development Program (20062950)

Reappropriation:

Columbia River Basin Water Supply Development Account--State. ....	\$42,874,000
Prior Biennia (Expenditures). ....	\$1,626,000
Future Biennia (Projected Costs). ....	\$60,000,000
TOTAL.....	\$104,500,000

**NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (20064002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The department must give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for up to \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state reappropriation is for loans for on-site sewage replacement. This reappropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This reappropriation must be used in conjunction with water quality capital account--state reappropriation in section 3015 of this act provided solely for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program.

Reappropriation:

Water Pollution Control Revolving Account--Federal.....	\$14,602,000
Water Pollution Control Revolving Account--State.....	\$23,752,000
Subtotal Reappropriation. ....	\$38,354,000
Prior Biennia (Expenditures). ....	\$201,262,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$239,616,000

**NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20064007)

Reappropriation:

Water Quality Capital Account--State. ....	\$3,663,000
State Building Construction Account--State. ....	\$4,637,000
Subtotal Reappropriation. ....	\$8,300,000
Prior Biennia (Expenditures). ....	\$39,190,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$47,490,000

**NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY**

Local Toxics Grants for Cleanup and Prevention (20064008)

Reappropriation:

State Building Construction Account--State. ....	\$21,237,000
Prior Biennia (Expenditures). ....	\$77,663,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$98,900,000

**NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY**

Transfer of Water Rights for Cabin Owners (20081951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the purchase of water for domestic water users in the Yakima Basin (Water Resource Inventory Areas 37, 38, and 39) that have a surface water right with a priority date later than May 10, 1905, as well as for all out-of-priority surface water users in the Yakima Basin. A portion of the reappropriation may be used for administrative and other costs associated with acquiring and transferring the water rights. The department must recover all costs from participating domestic water users for their prorated portion of the cost of securing a water right or rights for this purpose and associated annual operational costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be placed in the drought preparedness account.

Reappropriation:

State Building Construction Account--State. ....	\$450,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$450,000

**NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY**

Puget Sound Storm Water Projects (20082002)

Reappropriation:

State Building Construction Account--State. ....	\$17,294,000
Prior Biennia (Expenditures). ....	\$626,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$17,920,000

**NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Projects (20082003)

Reappropriation:

State Building Construction Account--State. ....	\$1,792,000
Prior Biennia (Expenditures). ....	\$1,208,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY**

Breazeale Interpretive Center (20082856)

Reappropriation:

General Fund--Federal. ....	\$270,000
Prior Biennia (Expenditures). ....	\$225,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$495,000

**NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY**

Reclaimed Water (20084002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for grants to local governments in Puget Sound to complete reclaimed water projects. Priority must be given to projects in water short

areas where reclaimed water can be used to replace other water sources and where reclaimed water can be used to restore important ecosystem functions in Puget Sound.

Reappropriation:

State Building Construction Account--State. ....	\$4,782,000
Prior Biennia (Expenditures). ....	\$673,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,455,000

**NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY**

Puget Sound Aquatic Cleanup and Restoration (20084004)

Reappropriation:

State Toxics Control Account--State. ....	\$2,209,000
Prior Biennia (Expenditures). ....	\$2,791,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxic Sites in Puget Sound (20084005)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean- up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean-ups must include orphaned and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department must provide the Puget Sound partnership, as created by chapter 341, Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review must be consistent with the funding schedule for the program.

Reappropriation:

State Building Construction Account--State. ....	\$5,431,000
Prior Biennia (Expenditures). ....	\$1,336,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,767,000

**NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (20084008)

Reappropriation:

State Building Construction Account--State. ....	\$54,000,000
Prior Biennia (Expenditures). ....	\$38,875,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$92,875,000

**NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY**

Safe Soils Remediation Grants (20084009)

Reappropriation:

State Toxics Control Account--State. ....	\$2,069,000
Prior Biennia (Expenditures). ....	\$2,431,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,500,000

**NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20084010)

Reappropriation:

State Building Construction Account--State. ....	\$34,870,000
Water Quality Capital Account--State. ....	\$4,698,000

Subtotal Reappropriation. . . . .	\$39,568,000
Prior Biennia (Expenditures). . . . .	\$27,315,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$66,883,000

**NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Loan Program (20084011)

Reappropriation:

Water Pollution Control Revolving Account--Federal. . . . .	\$46,769,000
Water Pollution Control Revolving Account--State. . . . .	\$55,521,000
Subtotal Reappropriation. . . . .	\$102,290,000
Prior Biennia (Expenditures). . . . .	\$37,710,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$140,000,000

**NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY**

On-Site Septic Replacement Program (20084012)

Reappropriation:

Water Quality Capital Account--State. . . . .	\$2,133,000
Prior Biennia (Expenditures). . . . .	\$867,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY**

Coordinated Prevention Grants (20084015)

Reappropriation:

State Building Construction Account--State. . . . .	\$16,275,000
Prior Biennia (Expenditures). . . . .	\$9,225,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$25,500,000

**NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY**

Reduce Public Health Risks from Wood Stove Pollution (20084019)

Reappropriation:

State Building Construction Account--State. . . . .	\$350,000
Prior Biennia (Expenditures). . . . .	\$1,650,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,000,000

**NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY**

Skykomish Cleanup (20084020)

Reappropriation:

State Building Construction Account--State. . . . .	\$3,000,000
Cleanup Settlement Account--State. . . . .	\$422,000
Subtotal Reappropriation. . . . .	\$3,422,000
Prior Biennia (Expenditures). . . . .	\$6,578,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$10,000,000

**NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY**

Waste Tire Pile Cleanup (20084022)

Reappropriation:

Waste Tire Removal Account--State. ....	\$2,450,000
Prior Biennia (Expenditures). ....	\$2,550,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY**

Reduce Health Risks from Toxic Diesel Pollution (20084024)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$5,380,000 of the reappropriation is provided solely for clean diesel school bus projects for local school districts, that the department may use for the purposes of RCW 28A.160.205.

(2) Up to \$4,830,000 of the reappropriation is provided solely for clean diesel projects, other than for school buses, as described in RCW 70.94.017(2)(a) and may be distributed through grants to air pollution control authorities.

Reappropriation:

State Building Construction Account--State. ....	\$3,449,000
Prior Biennia (Expenditures). ....	\$6,761,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$10,210,000

**NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY**

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:

State Building Construction Account--State. ....	\$497,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$497,000

**NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

Yakima River Basin Water Storage Feasibility Study (20084026)

The appropriation and reappropriation in this section are subject to the following conditions and limitations: The appropriation and reappropriation are provided solely for completion of the United States bureau of reclamation's Yakima Basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and environmental impact statement. The appropriated and reappropriated funds are to be used by the bureau of reclamation and the department of ecology to evaluate potential in basin storage facilities such as the proposed Black Rock and Wymer reservoirs and other reasonable alternatives that will enhance water supply in the Yakima Basin.

Reappropriation:

State Building Construction Account--State. ....	\$500,000
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Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$2,750,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,250,000

**NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY**

Water Irrigation Efficiencies (20084028)

Reappropriation:

State Building Construction Account--State. ....	\$1,715,000
Prior Biennia (Expenditures). ....	\$1,285,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY**  
 Watershed Plan Implementation and Flow Achievement (20084029)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

- (1) Surface or ground water storage projects, where such projects are consistent with the recommendations of the water storage task force. The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.
- (2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.
- (3) Agricultural water supply projects that improve water conservation and water use efficiency.
- (4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use measurement.
- (5) Acquisition of water to achieve instream flows or to establish water banks. The department must give priority to acquisitions in salmon critical basins. The department must place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).
- (6) Up to \$200,000 of the reappropriation is provided solely for a portion of the costs of the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.
- (7) Up to \$560,000 is provided solely for the Chehalis watershed.
- (8) Up to \$300,000 is provided solely for a grant to the Nisqually river foundation to support the watershed conservation plan, low-impact development program, and Nisqually river education program.
- (9) Up to \$1,200,000 of the reappropriation is provided solely for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants must be provided only to those entities that have completed, approved plans that are actively being implemented. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Reappropriation:

State Building Construction Account--State. . . . .	\$12,000,000
Prior Biennia (Expenditures). . . . .	\$2,000,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,000,000

**NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY**  
 Mason County Consortium (20084851)

Reappropriation:

State Toxics Control Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY**  
 Flood Protection Study (20082855)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the department to conduct a study to determine the number of decertified levees in the state and to identify strategies for recertifying the levees so that they provide optimum protection for the communities protected by the levees. The department must prioritize areas to include in the study based on population and the economic impact of potential flood damage.

The study must include the following components:

- (1) A working group of levee managers to advise and inform the study;
- (2) A technical review of the structural integrity of levee systems;
- (3) An inventory, map, and rate the effectiveness of existing levee systems; and
- (4) The development of strategies and actions needed to improve the existing levee system and to ensure certification by the United States army corps of engineers for one-hundred year flood protection.

The study must be completed and a report provided to the appropriate legislative committees by July 1, 2010.

Reappropriation:

State Building Construction Account--State. . . . .	\$280,000
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Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$280,000

**NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY**

Water Measuring Devices (2001H009)

Reappropriation:

State Building Construction Account--State. ....	\$652,000
Prior Biennia (Expenditures) .....	\$2,878,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,530,000

**NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (20062003)

Reappropriation:

State Building Construction Account--State. ....	\$2,600,000
Prior Biennia (Expenditures) .....	\$11,694,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$14,294,000

**NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Fund Program (30000007)

The appropriations in this section are subject to the following conditions and limitations: \$65,000,000 is provided from the American recovery and reinvestment act of 2009. For 2011 funding cycle, the department must accept applications until December 1, 2009. When reviewing project applications for financial assistance, the department shall prioritize projects related to actions required under federal and state permits and compliance orders, including projects with a history of noncompliance.

Appropriation:

Water Pollution Control Revolving Account--State.. ..	\$65,000,000
Water Pollution Control Revolving Account--Federal.....	\$45,000,000
Water Pollution Control--Federal ARRA.....	\$68,700,000
Subtotal Appropriation.....	\$178,700,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$285,000,000
TOTAL.....	\$463,700,000

**NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000008)

The appropriation in this section is subject to the following conditions and limitations: The department must accept applications for the program until December 1, 2009. The program must include competitive application processes for projects relating to storm water systems, sewer systems, and septic systems prioritized on a worst-case, first-need basis.

Appropriation:

State Building Construction Account--State. ....	\$30,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$240,000,000
TOTAL.....	\$270,000,000

**NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY**

Reducing Health Threats from Woodstove Pollution (30000010)

Appropriation:

State Building Construction Account--State. ....	\$1,000,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$8,000,000
TOTAL . . . . .	\$9,000,000

**NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY**

Padilla Bay Reserve Boat Garage (30000011)

Appropriation:

General Fund--Federal. . . . .	\$265,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$265,000

**NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY**

Cleanup and Prevention of Waste Tire Piles (30000012)

Appropriation:

Waste Tire Removal Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY**

Coordinated Prevention Grants (30000013)

The appropriation in this section is subject to the following conditions and limitations: \$4,270,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants must fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan, including alternatives to backyard burning of organic materials.

Appropriation:

State Building Construction Account--State. . . . .	\$10,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$125,680,000
TOTAL . . . . .	\$135,680,000

**NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY**

Swift Creek Natural Asbestos Cleanup (30000015)

Appropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$14,800,000
TOTAL . . . . .	\$15,800,000

**NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY**

Upper Columbia River Black Sand Beach Cleanup (30000016)

Appropriation:

State Building Construction Account--State. . . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,000,000

**NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY**

Orphaned and Abandoned Site Cleanup Initiative (30000018)



Appropriation:

State Building Construction Account--State. ....	\$1,000,000
Cleanup Settlement Account--State. ....	\$277,000
Subtotal Appropriation. ....	\$1,277,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$7,600,000
TOTAL. ....	\$8,877,000

**NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY**

Water Irrigation Efficiencies (30000027)

Appropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$14,000,000
TOTAL. ....	\$15,000,000

**NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY**

Safe Soils Remediation Program (30000019)

Appropriation:

State Building Construction Account--State. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$4,000,000

**NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY**

Skykomish Cleanup and Restoration (30000020)

Appropriation:

State Building Construction Account--State. ....	\$2,300,000
Cleanup Settlement Account--State. ....	\$2,050,000
Subtotal Appropriation. ....	\$4,350,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$4,350,000

**NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Retrofit and Low-Impact Development Grant Program (30000097)

Appropriation:

State Building Construction Account--State. ....	\$3,000,000
State and Local Improvements Revolving Account - Waste Disposal Facilities. ....	\$1,284,000
State and Local Improvements Revolving Account - Waste Disposal Facilities, 1980. ....	\$325,000
Subtotal Appropriation. ....	\$4,609,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$4,609,000

**NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY**

Protect Communities from Flood and Drought (92000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,500,000 of the appropriation is provided solely for the Columbia basin ground water management area ground water hydrologic modeling project. The project shall submit a report to the appropriate committees of the legislature that does the following:

- (a) Describes the physical properties of the aquifer system and the variation of those properties throughout the area of concern,
  - (b) Quantifies the rate and location of aquifer recharge and discharge within the subarea,
  - (c) Quantifies the water balance for the by land use type,
  - (d) Demonstrates with empirical data a viable solution to the observed problems in the area of concern,
  - (e) Estimates the quantity of water needed for the solution, and
  - (f) Evaluates the physical and legal availability of such water from the Columbia River. The final report must be submitted by June 30, 2011.
- (2) \$10,000,000 of the appropriation is provided solely for a grant to repair the Horseshoe Bend levy that protects communities in the Kent valley.
- (3) \$150,000 of the appropriation is provided solely for a grant for the King County fire protection district no. 16 to prevent flood damage to the fire station.
- (4) \$2,350,000 of the appropriation is provided solely for a competitive grant program for projects that protect communities from flood damage and prepare communities for drought and water shortages. The department shall prioritize applications from communities most at risk to flood damage and drought and who are least able to fund mitigation projects from local resources. The department shall also seek to balance the needs of different regions of the state, and choose projects most ready to proceed.

Appropriation:

State Building Construction Account--State. ....	\$15,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,000,000

**NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY**

Habitat Mitigation (91000007)

Appropriation:

State Building Construction Account--State. ....	\$4,400,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,400,000

**NEW SECTION. Sec. 3057. FOR THE DEPARTMENT OF ECOLOGY**

Protect Coastal Beaches in Southwest Washington (30000024)

Appropriation:

State Building Construction Account--State. ....	\$1,700,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,700,000

**NEW SECTION. Sec. 3058. FOR THE DEPARTMENT OF ECOLOGY**

Watershed Plan Implementation and Flow Achievement (30000028)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

- (1) Surface or groundwater storage feasibility projects, where such projects are consistent with the recommendations of the water storage task force report to the Legislature, February 2001 (department of ecology publication # 01-11-2002). The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.
- (2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.
- (3) Water supply projects for public agriculture water supply facilities that improve water conservation and water use efficiency.
- (4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use or stream flow measurement.
- (5) Acquisition of water to achieve instream flows or to establish water banks, water exchanges or similar tools. The department of ecology must give priority to water acquisitions in salmon critical basins and in basins with approved watershed plans. The department of ecology must place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).

(6) Up to \$600,000 of the appropriation is provided solely for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants shall only be provided to those entities that have completed, approved plans that are actively being implemented and provide one hundred percent in-kind or monetary match. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Appropriation:

State Building Construction Account--State. ....	\$6,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$40,000,000
TOTAL.....	\$46,000,000

**NEW SECTION, Sec. 3059. FOR THE DEPARTMENT OF ECOLOGY**

Kittitas Groundwater Study (30000029)

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State. ....	\$700,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$700,000

**NEW SECTION, Sec. 3060. FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000039)

Appropriation:

State Building Construction Account--State. ....	\$37,700,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$180,000,000
TOTAL.....	\$217,700,000

**NEW SECTION, Sec. 3061. FOR THE DEPARTMENT OF ECOLOGY**

Leaking Underground Tanks (91000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for leaking underground tanks.

Appropriation:

General Fund--Federal. ....	\$3,500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,500,000

**NEW SECTION, Sec. 3062. FOR THE DEPARTMENT OF ECOLOGY**

Diesel Emissions Reduction (91000003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for diesel emissions reduction.

Appropriation:

General Fund--Federal. ....	\$1,730,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,730,000

**NEW SECTION, Sec. 3063. FOR THE STATE PARKS AND RECREATION COMMISSION**

Rocky Reach - Chelan County Public Utility District (20061023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 3064. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Cama Beach Donation (20062853)

Reappropriation:

General Fund--Private/Local. . . . .	\$1,630,000
Prior Biennia (Expenditures). . . . .	\$286,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,916,000

**NEW SECTION. Sec. 3065. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Hood Canal Wastewater (20061850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond Account-- State. . . . .	\$3,930,000
Prior Biennia (Expenditures). . . . .	\$1,990,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,920,000

**NEW SECTION. Sec. 3066. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Puget Sound Wastewater (20061851)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,300,000
Prior Biennia (Expenditures). . . . .	\$6,075,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,375,000

**NEW SECTION. Sec. 3067. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Minor Works - Facility Preservation (20081001)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,810,000
State Toxics Control Account--State. . . . .	\$100,000
Subtotal Reappropriation. . . . .	\$2,910,000
Prior Biennia (Expenditures). . . . .	\$6,090,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$9,000,000

**NEW SECTION. Sec. 3068. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Historic Preservation (20081002)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,127,000
Prior Biennia (Expenditures). . . . .	\$4,064,000
Future Biennia (Projected Costs). . . . .	\$0

TOTAL..... \$6,191,000

**NEW SECTION. Sec. 3069. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Cape Disappointment Major Park Upgrade (20081012)

Reappropriation:

State Building Construction Account--State. .... \$10,000

Prior Biennia (Expenditures). .... \$490,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$500,000

**NEW SECTION. Sec. 3070. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Lake Sammamish Major Park Upgrade (20081014)

Reappropriation:

State Building Construction Account--State. .... \$425,000

Prior Biennia (Expenditures). .... \$758,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$1,183,000

**NEW SECTION. Sec. 3071. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Storm Water Improvements (20081027)

Reappropriation:

State Building Construction Account--State. .... \$235,000

Prior Biennia (Expenditures). .... \$336,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$571,000

**NEW SECTION. Sec. 3072. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Road Preservation (20081036)

Reappropriation:

State Building Construction Account--State. .... \$1,227,000

Prior Biennia (Expenditures). .... \$2,473,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$3,700,000

**NEW SECTION. Sec. 3073. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Ft. Flagler - Parkwide Sewage Treatment System (20081044)

Reappropriation:

State Building Construction Account--State. .... \$800,000

Prior Biennia (Expenditures). .... \$1,973,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$2,773,000

**NEW SECTION. Sec. 3074. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Visible Park Improvements (20081951)

Reappropriation:

State Building Construction Account--State. .... \$2,730,000

Prior Biennia (Expenditures). .... \$7,270,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$10,000,000

**NEW SECTION. Sec. 3075. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Nisqually Mashel State Park (20081953)

Reappropriation:

State Building Construction Account--State. ....	\$84,000
Prior Biennia (Expenditures). ....	\$416,000
Future Biennia (Projected Costs). ....	\$1,618,000
TOTAL.....	\$2,118,000

**NEW SECTION. Sec. 3076. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Pearrygin Lake Major Park Upgrade (20082016)

Reappropriation:

State Building Construction Account--State. ....	\$460,000
Prior Biennia (Expenditures). ....	\$907,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,367,000

**NEW SECTION. Sec. 3077. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Bay View Park Wide Wastewater Treatment System (20082041)

Reappropriation:

State Building Construction Account--State. ....	\$1,760,000
Prior Biennia (Expenditures). ....	\$427,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,187,000

**NEW SECTION. Sec. 3078. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Bigelow House (20082850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for a grant for capital improvements to the Bigelow house.

Reappropriation:

State Building Construction Account--State. ....	\$100,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$100,000

**NEW SECTION. Sec. 3079. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Ike Kinswa State Park Improvement (20082950)

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local. ....	\$500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 3080. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Clean Vessel Boating Pumpout Grants (20084035)

Reappropriation:

General Fund--Federal. ....	\$700,000
Prior Biennia (Expenditures). ....	\$300,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 3081. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Trail Development (20081008)

Reappropriation:

State Building Construction Account--State. ....	\$950,000
Prior Biennia (Expenditures). ....	\$3,050,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 3082. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Minor Works Preservation (30000001)

Appropriation:

State Building Construction Account--State. ....	\$6,930,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$40,641,000
TOTAL.....	\$47,571,000

**NEW SECTION. Sec. 3083. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Trail Development (30000003)

Appropriation:

State Building Construction Account--State. ....	\$800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$800,000

**NEW SECTION. Sec. 3084. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Facility and Infrastructure Backlog Reduction (30000005)

The appropriation in this section is subject to the following conditions and limitations: Based on the plan developed during the 2007-09 biennium that addressed the key findings in the 2006 study of the commission's capital development, execution, and monitoring process, the commission shall, prior to allotment of funds, provide the office of financial management a comprehensive list of deferred maintenance projects that when completed will reduce the commission's backlog of preservation projects.

Appropriation:

State Building Construction Account--State. ....	\$1,500,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$14,000,000
TOTAL.....	\$15,500,000

**NEW SECTION. Sec. 3085. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Federal Grant Authority (30000006)

Appropriation:

General Fund--Federal. ....	\$990,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$4,000,000
TOTAL.....	\$4,990,000

**NEW SECTION. Sec. 3086. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Local Grant Authority (30000007)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local. ....	\$990,000
Prior Biennia (Expenditures). ....	\$0

Future Biennia (Projected Costs) .....	\$4,000,000
TOTAL.....	\$4,990,000

**NEW SECTION. Sec. 3087. FOR THE STATE PARKS AND RECREATION COMMISSION**

Parkland Acquisition (91000005)

Appropriation:

Parkland Acquisition Account--State .....	\$3,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 3088. FOR THE STATE PARKS AND RECREATION COMMISSION**

Emergency Repairs (30000010)

Appropriation:

State Building Construction Account--State .....	\$600,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$2,400,000
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 3089. FOR THE STATE PARKS AND RECREATION COMMISSION**

Clean Vessel Boating Pumpout Grants (30000021)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the appropriate policy and fiscal committees of the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. The list must include any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

General Fund--Federal .....	\$3,465,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$7,200,000
TOTAL.....	\$10,665,000

**NEW SECTION. Sec. 3090. FOR THE STATE PARKS AND RECREATION COMMISSION**

Illahee State Park Wastewater Treatment Upgrade (30000447)

Appropriation:

State Building Construction Account--State .....	\$1,850,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,850,000

**NEW SECTION. Sec. 3091. FOR THE STATE PARKS AND RECREATION COMMISSION**

Cama Beach State Park (30000101)

Appropriation:

State Building Construction Account--State .....	\$3,265,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,265,000

**NEW SECTION. Sec. 3092. FOR THE STATE PARKS AND RECREATION COMMISSION**

Rocky Reach State Park Trail Development (30000169)



Appropriation:

State Building Construction Account--State. ....	\$168,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$1,000,000
TOTAL.....	\$1,168,000

**NEW SECTION. Sec. 3093. FOR THE STATE PARKS AND RECREATION COMMISSION**

Flaming Geyser State Park Park-wide Infrastructure Redevelopment (30000173)

Appropriation:

State Building Construction Account--State. ....	\$3,533,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,533,000

**NEW SECTION. Sec. 3094. FOR THE STATE PARKS AND RECREATION COMMISSION**

Dash Point State Park Sanitary Sewer Collection System (30000269)

Appropriation:

State Building Construction Account--State. ....	\$3,820,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,820,000

**NEW SECTION. Sec. 3095. FOR THE STATE PARKS AND RECREATION COMMISSION**

Kiket Island Acquisition (30000431)

Appropriation:

General Fund--Federal. ....	\$8,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,000,000

**NEW SECTION. Sec. 3096. FOR THE STATE PARKS AND RECREATION COMMISSION**

Admiralty Inlet Heritage Forest (30000432)

Appropriation:

General Fund--Federal. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 3097. FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden State Park Housing Areas Exterior Improvements (30000433)

Appropriation:

State Building Construction Account--State. ....	\$746,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$2,476,000
TOTAL.....	\$3,222,000

**NEW SECTION. Sec. 3098. FOR THE STATE PARKS AND RECREATION COMMISSION**

Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1

**NEW SECTION. Sec. 3099. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Puget Sound Initiative (30000050)

Appropriation:

State Building Construction Account--State. . . . .	\$2,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$26,698,000
TOTAL. . . . .	\$28,698,000

**NEW SECTION. Sec. 3100. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Twanoh State Park: Storm Water Improvements (30000054)

Appropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,374,000
TOTAL. . . . .	\$2,624,000

**NEW SECTION. Sec. 3101. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Boating Facilities Projects (19982001)

Reappropriation:

Recreation Resources Account--State. . . . .	\$359,000
Prior Biennia (Expenditures). . . . .	\$25,019,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$25,378,000

**NEW SECTION. Sec. 3102. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Washington Wildlife and Recreation Program (19982003)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions in section 158, chapter 371, Laws of 2006.

Reappropriation:

Outdoor Recreation Account--State. . . . .	\$596,000
Habitat Conservation Account--State. . . . .	\$687,000
Subtotal Reappropriation. . . . .	\$1,283,000
Prior Biennia (Expenditures). . . . .	\$176,988,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$178,271,000

**NEW SECTION. Sec. 3103. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Firearms and Archery Range Program (19982004)

Reappropriation:

Firearms Range Account--State. . . . .	\$13,000
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Prior Biennia (Expenditures) . . . . .	\$872,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$885,000

**NEW SECTION. Sec. 3104. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Firearms and Archery Range Program (20020001)

Reappropriation:

Firearms Range Account--State . . . . .	\$21,000
Prior Biennia (Expenditures) . . . . .	\$379,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$400,000

**NEW SECTION. Sec. 3105. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (20024001)

Reappropriation:

Recreation Resources Account--State . . . . .	\$158,000
Prior Biennia (Expenditures) . . . . .	\$6,776,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,934,000

**NEW SECTION. Sec. 3106. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife and Recreation Program (20024003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State . . . . .	\$158,000
Habitat Conservation Account--State . . . . .	\$479,000
Subtotal Reappropriation . . . . .	\$637,000
Prior Biennia (Expenditures) . . . . .	\$44,363,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$45,000,000

**NEW SECTION. Sec. 3107. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (20024007)

Reappropriation:

State Building Construction Account--State . . . . .	\$253,000
Prior Biennia (Expenditures) . . . . .	\$69,313,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$69,566,000

**NEW SECTION. Sec. 3108. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Fund Board Programs (20044001)

Reappropriation:

State Building Construction Account--State . . . . .	\$2,500,000
General Fund--Federal . . . . .	\$9,540,000
Subtotal Reappropriation . . . . .	\$12,040,000
Prior Biennia (Expenditures) . . . . .	\$34,335,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$46,375,000

**NEW SECTION. Sec. 3109. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Washington Wildlife and Recreation Program (20044002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State. . . . .	\$1,499,000
Habitat Conservation Account--State. . . . .	\$4,789,000
Subtotal Reappropriation. . . . .	\$6,288,000
Prior Biennia (Expenditures). . . . .	\$38,712,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$45,000,000

**NEW SECTION. Sec. 3110. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Boating Facilities Program (20044003)

Reappropriation:

Recreation Resources Account--State. . . . .	\$165,000
Prior Biennia (Expenditures). . . . .	\$7,342,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$7,507,000

**NEW SECTION. Sec. 3111. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Nonhighway and Off-Road Vehicle Activities Program (20044004)

Reappropriation:

NOVA Program Account--State. . . . .	\$1,032,000
Prior Biennia (Expenditures). . . . .	\$5,895,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$6,927,000

**NEW SECTION. Sec. 3112. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Firearms and Archery Range Program (20044006)

Reappropriation:

Firearms Range Account--State. . . . .	\$28,000
Prior Biennia (Expenditures). . . . .	\$222,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$250,000

**NEW SECTION. Sec. 3113. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Land and Water Conservation Fund (20044007)

Reappropriation:

General Fund--Federal. . . . .	\$267,000
Prior Biennia (Expenditures). . . . .	\$5,468,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,735,000

**NEW SECTION. Sec. 3114. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Boating Infrastructure Grant (20044009)

Reappropriation:

General Fund--Federal. . . . .	\$262,000
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Prior Biennia (Expenditures) .....	\$1,666,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$1,928,000

**NEW SECTION. Sec. 3115. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Youth Athletic Fields (20062952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible and the amount of a grant need not be in proportion to the population of the city or county where the community outdoor athletic facility is located, and if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the recreation and conservation funding board may distribute any remaining funds to other categories within the youth athletic facility account.

Reappropriation:

State Building Construction Account--State. ....	\$1,971,000
Prior Biennia (Expenditures) .....	\$529,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,500,000

**NEW SECTION. Sec. 3116. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Fund Board Programs (20064001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for grants for salmon recovery efforts. These grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Reappropriation:

General Fund--Federal. ....	\$21,012,000
State Building Construction Account--State. ....	\$6,522,000
Subtotal Reappropriation. ....	\$27,534,000
Prior Biennia (Expenditures) .....	\$34,466,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$62,000,000

**NEW SECTION. Sec. 3117. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife and Recreation Program (20064002)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.
- (2) Funds reappropriated for distribution according to RCW 79A.15.050 must fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.
- (3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Reappropriation:

Habitat Conservation Account--State.....	\$6,725,000
Outdoor Recreation Account--State.....	\$6,859,000
Subtotal Reappropriation. ....	\$13,584,000
Prior Biennia (Expenditures) .....	\$36,416,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$50,000,000

**NEW SECTION. Sec. 3118. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (20064003)

Reappropriation:

Recreation Resources Account--State. ....	\$451,000
Prior Biennia (Expenditures). ....	\$6,820,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,271,000

**NEW SECTION. Sec. 3119. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway and Off-Road Vehicle Program (20064004)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$100,000 of the reappropriation is for the following studies:

(1) The board must prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used global positioning system devices, including the feasibility and cost to make global positioning system maps readily available for all users of Washington recreational lands and facilities. For this purpose, available global positioning system maps shall include global positioning system maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The board must recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study must include a review of relevant existing laws and regulations. The recommendations must address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive off-road vehicle noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Reappropriation:

NOVA Program Account--State. ....	\$2,364,000
Prior Biennia (Expenditures). ....	\$5,215,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,579,000

**NEW SECTION. Sec. 3120. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Firearm and Archery Range Program (20064006)

Reappropriation:

Firearms Range Account--State. ....	\$18,000
Prior Biennia (Expenditures). ....	\$204,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$222,000

**NEW SECTION. Sec. 3121. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Land and Water Conservation Fund (20064007)

Reappropriation:

General Fund--Federal. ....	\$1,880,000
Prior Biennia (Expenditures). ....	\$1,474,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,354,000

**NEW SECTION. Sec. 3122. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

National Recreation Trails Program (20064008)

Reappropriation:

General Fund--Federal. ....	\$501,000
Prior Biennia (Expenditures). ....	\$2,297,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,798,000

**NEW SECTION. Sec. 3123. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Family Forest and Fish Passage Program (20082001)

Reappropriation:

State Building Construction Account--State. ....	\$2,859,000
Prior Biennia (Expenditures). ....	\$3,141,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,000,000

**NEW SECTION. Sec. 3124. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (20084001)

Reappropriation:

Recreation Resources Account--State. ....	\$6,850,000
Prior Biennia (Expenditures). ....	\$1,171,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$8,021,000

**NEW SECTION. Sec. 3125. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Improvement Grants (20084002)

Reappropriation:

General Fund--Federal. ....	\$158,000
Prior Biennia (Expenditures). ....	\$42,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 3126. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Firearms and Archery Range Recreation (20084003)

Reappropriation:

Firearms Range Account--State. ....	\$358,000
Prior Biennia (Expenditures). ....	\$114,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$472,000

**NEW SECTION. Sec. 3127. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Restoration and Acquisition (20084004)

Reappropriation:

State Building Construction Account--State. ....	\$29,083,000
Prior Biennia (Expenditures). ....	\$11,667,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$40,750,000

**NEW SECTION. Sec. 3128. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Aquatic Lands Enhancement Account (20084005)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.
- (2) The board shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list must result from a competitive grants program developed by the board based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Reappropriation:

State Building Construction Account--State. ....	\$3,326,000
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Prior Biennia (Expenditures) . . . . .	\$1,699,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$5,025,000

**NEW SECTION. Sec. 3129. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Hatchery Reform Program (20084006)

Reappropriation:

General Fund--Federal. . . . .	\$400,000
Prior Biennia (Expenditures) . . . . .	\$5,600,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,000,000

**NEW SECTION. Sec. 3130. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Land and Water Conservation Fund (20084007)

Reappropriation:

General Fund--Federal. . . . .	\$765,000
Prior Biennia (Expenditures) . . . . .	\$235,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION. Sec. 3131. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway Off-Road Vehicle Activities Program (20084008)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$450,000 of the reappropriation is provided solely for grants to local law enforcement and noise enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses. Funds for noise enforcement grants shall come from amounts allocated for the purposes specified in RCW 46.09.170(2)(d).

Reappropriation:

NOVA Program Account--State . . . . .	\$7,184,000
Prior Biennia (Expenditures) . . . . .	\$1,852,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$9,036,000

**NEW SECTION. Sec. 3132. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

National Recreational Trails Program (20084009)

Reappropriation:

General Fund--Federal. . . . .	\$2,395,000
Prior Biennia (Expenditures) . . . . .	\$1,105,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,500,000

**NEW SECTION. Sec. 3133. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants (20084011)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.
- (2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may: Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.
- (3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.



(4) Up to \$627,299 of the reappropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount may not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Reappropriation:

Farmlands Preservation Account--State. . . . .	\$5,300,000
Riparian Protection Account--State. . . . .	\$12,500,000
Habitat Conservation Account--State. . . . .	\$23,956,000
Outdoor Recreation Account--State. . . . .	\$22,994,000
Subtotal Reappropriation. . . . .	\$64,750,000
Prior Biennia (Expenditures). . . . .	\$35,250,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$100,000,000

**NEW SECTION, Sec. 3134. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Fund Board Programs (20084851)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriations in this section are provided solely for grants for salmon recovery efforts. These grants may include grants to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.
- (2) The administrative funding currently provided by the salmon recovery funding board for the regional salmon recovery organization in Puget Sound shall be redirected to the Puget Sound partnership created in chapter 341, Laws of 2007.
- (3) Prior to awarding project grants for projects in Puget Sound, the salmon recovery funding board must submit the list of proposed projects to the Puget Sound partnership for their review. The Puget Sound partnership must provide their comments back to the salmon recovery funding board within forty-five days of receiving the proposed list of projects.

Reappropriation:

General Fund--Federal. . . . .	\$25,616,000
State Building Construction Account--State. . . . .	\$11,681,000
Subtotal Reappropriation. . . . .	\$37,297,000
Prior Biennia (Expenditures). . . . .	\$22,703,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$60,000,000

**NEW SECTION, Sec. 3135. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants (30000002)

The appropriations in this section are subject to the following conditions and limitations:

The appropriations are provided solely for the list of projects in LEAP capital document No. 2009-1a, developed April 23, 2009.

Appropriation:

Riparian Protection Account--State. . . . .	\$10,000,000
Habitat Conservation Account--State. . . . .	\$27,000,000
Outdoor Recreation Account--State. . . . .	\$27,000,000
Farmlands Preservation Account--State. . . . .	\$6,000,000
Subtotal Appropriation. . . . .	\$70,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$200,000,000
TOTAL. . . . .	\$270,000,000

**NEW SECTION, Sec. 3136. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Fund Board Programs (30000003)

Appropriation:

General Fund--Federal. . . . .	\$60,000,000
State Building Construction Account--State. . . . .	\$10,000,000
Subtotal Appropriation. . . . .	\$70,000,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$240,000,000
TOTAL . . . . .	\$310,000,000

**NEW SECTION. Sec. 3137. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Land and Water Conservation Fund (30000005)

Appropriation:

General Fund--Federal. . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$16,000,000
TOTAL . . . . .	\$20,000,000

**NEW SECTION. Sec. 3138. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Aquatic Lands Enhancement Account (30000007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the list of projects in LEAP capital document No. 2009-3, developed March 9, 2009.

Appropriation:

State Building Construction Account--State. . . . .	\$5,025,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,100,000
TOTAL . . . . .	\$25,125,000

**NEW SECTION. Sec. 3139. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Firearms and Archery Range Recreation (30000009)

Appropriation:

Firearms Range Account--State. . . . .	\$495,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,412,000
TOTAL . . . . .	\$1,907,000

**NEW SECTION. Sec. 3140. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Improvement Grants (30000010)

Appropriation:

General Fund--Federal. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	\$5,000,000

**NEW SECTION. Sec. 3141. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

National Recreational Trails Program (30000012)

Appropriation:

General Fund--Federal. . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$16,000,000
TOTAL . . . . .	\$20,000,000

**NEW SECTION. Sec. 3142. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Acquisition and Restoration (30000080)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to protect and restore habitat in Puget Sound with a focus on acquiring and protecting critical habitat and restoring habitat function.

(2) Only projects on approved watershed three-year work plans or specified in the Puget Sound action agenda are eligible for funding. Projects approved must advance the priorities of the Puget Sound salmon recovery plan, the Hood Canal summer chum plan, or the action agenda.

(3) The salmon recovery funding board shall award grants pursuant to a prioritized list submitted by the leadership council of the Puget Sound partnership. The list shall be based upon recommendations made by the Puget Sound salmon recovery council and the Hood Canal coordinating council. The technical review panel of the salmon recovery funding board shall conduct final design review and advise the board on project selection.

(4) The recreation and conservation office shall administer these grants and shall retain three percent for administrative purposes. The partnership and the recreation and conservation office may negotiate an additional amount not to exceed six percent to cover costs incurred by lead entities and the partnership to recruit, review, and prioritize these projects.

(5) An equitable share of the cost of the technical review panel of the salmon recovery funding board shall be paid from this appropriation to conduct final design review and advise the salmon recovery funding board and the partnership of its views on proposed projects.

(6) By September 15, 2010, the Puget Sound partnership leadership council shall submit a list of proposed projects to the office of financial management for the 2011-2013 biennium.

Appropriation:

State Building Construction Account--State. ....	\$33,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$132,000,000
TOTAL.....	\$165,000,000

**NEW SECTION, Sec. 3143. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Puget Sound Estuary and Salmon Restoration Program (30000081)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to restore nearshore habitat and estuaries in Puget Sound. The focus shall be on protecting and restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The recreation and conservation office shall award grants pursuant to a prioritized list submitted by the leadership council of the Puget Sound partnership. Project evaluation criteria shall be developed in cooperation with the Puget Sound nearshore steering committee and the Puget Sound partnership. The criteria shall be consistent and aligned with the actions and priorities of the action agenda and the technical guidance developed by the Puget Sound nearshore science team.

(3) Eligible projects must be within Puget Sound and identified in a current salmon recovery, watershed, nearshore habitat restoration and protection plan or the Puget Sound partnership 2020 action agenda.

(4) The recreation and conservation office shall retain three percent for administrative purposes.

Appropriation:

State Building Construction Account--State. ....	\$7,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$28,000,000
TOTAL.....	\$35,000,000

**NEW SECTION, Sec. 3144. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Family Forest Fish Passage Program (91000001)

Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$18,000,000
TOTAL.....	\$23,000,000

**NEW SECTION, Sec. 3145. FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Habitat Restoration Grants (91000002)

Appropriation:

General Fund--Federal. ....	\$3,000,000
Prior Biennia (Expenditures). ....	\$0

Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$3,000,000

**NEW SECTION. Sec. 3146. FOR THE STATE CONSERVATION COMMISSION**  
 Livestock Nutrient Program (20084001)

Reappropriation:  
 Water Quality Capital Account--State. .... \$700,000  
 Prior Biennia (Expenditures) ..... \$3,300,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$4,000,000

**NEW SECTION. Sec. 3147. FOR THE STATE CONSERVATION COMMISSION**  
 Conservation Reserve Enhancement Program Water Quality (20084002)

Reappropriation:  
 State Building Construction Account--State. .... \$707,000  
 Prior Biennia (Expenditures) ..... \$2,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$709,000

**NEW SECTION. Sec. 3148. FOR THE STATE CONSERVATION COMMISSION**  
 Conservation Reserve Enhancement Program Cost Share (20084005)

Reappropriation:  
 State Building Construction Account--State. .... \$1,100,000  
 Prior Biennia (Expenditures) ..... \$70,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$1,170,000

**NEW SECTION. Sec. 3149. FOR THE STATE CONSERVATION COMMISSION**  
 Flood Assistance for Farm Communities (20084850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to restore agricultural infrastructure and equipment necessary to repair, replace, or maintain infrastructure that provides public health and safety, water quality, and fish and wildlife habitat protection, including debris removal, fencing, replacing manure lagoons, and properly functioning equipment and facilities.

Reappropriation:  
 State Building Construction Account--State. .... \$1,300,000  
 Prior Biennia (Expenditures) ..... \$200,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$1,500,000

**NEW SECTION. Sec. 3150. FOR THE STATE CONSERVATION COMMISSION**  
 Skokomish Anaerobic Digester (20064009)

Reappropriation:  
 State Building Construction Account--State. .... \$474,000  
 Prior Biennia (Expenditures) ..... \$86,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL..... \$560,000

**NEW SECTION. Sec. 3151. FOR THE STATE CONSERVATION COMMISSION**  
 Livestock Nutrient Program (30000001)

Appropriation:

State Taxable Building Construction Account--State.....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$16,000,000
TOTAL.....	\$18,000,000

**NEW SECTION. Sec. 3152. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (30000003)

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$7,200,000
TOTAL.....	\$8,200,000

**NEW SECTION. Sec. 3153. FOR THE STATE CONSERVATION COMMISSION**

Practice Incentive Payment Loan Program (30000005)

Appropriation:

Conservation Assistance Revolving Account--State.....	\$400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$2,000,000
TOTAL.....	\$2,400,000

**NEW SECTION. Sec. 3154. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Facility, Infrastructure, Lands, and Access Condition Improvements (20061002)

Reappropriation:

State Building Construction Account--State.....	\$240,000
Prior Biennia (Expenditures).....	\$6,255,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$6,495,000

**NEW SECTION. Sec. 3155. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound Initiative - Nearshore Salmon Restoration (20062001)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department of fish and wildlife must focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department of fish and wildlife shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review must be consistent with the funding schedule for the program.

(3) Funded projects require a nonstate match or in-kind contributions. The department of fish and wildlife must seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria must be developed by the Puget Sound nearshore steering committee. The criteria must be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department of fish and wildlife must not utilize any amount of these reappropriations to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department of fish and wildlife's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$1,446,000 of these reappropriations may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

(8) Up to \$2,061,735 of the reappropriations are provided solely for the following projects:

Project	Amount
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Duwamish Garden estuary restoration	\$300,000
Seahurst Park bulkhead phase II	\$1,100,000
Lower Dosewallips floodplain	\$609,875
Titlow Beach pocket estuary restoration	\$51,860

Reappropriation:

State Building Construction Account--State. . . . .	\$6,636,000
General Fund--Federal. . . . .	\$600,000
Subtotal Reappropriation. . . . .	\$7,236,000
 Prior Biennia (Expenditures). . . . .	 \$7,190,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,426,000

**NEW SECTION. Sec. 3156. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Health Safety and Code Requirements (20081001)

Reappropriation:

State Building Construction Account--State. . . . .	\$250,000
 Prior Biennia (Expenditures). . . . .	 \$1,850,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,100,000

**NEW SECTION. Sec. 3157. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Voights Creek Hatchery (20081003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$200,000 of the amount appropriated is provided solely for the repair necessary to restore the facility for limited operations;
- (2) \$550,000 of the amount appropriated is provided solely for property acquisition. If the department does not acquire property that is adjacent to the existing property, the amount provided in this subsection shall lapse; and
- (3) \$50,000 of the amount appropriated is provided solely for the department to participate in a work group with the Puyallup Tribe of Indians that will make recommendations no later than December 1, 2009, regarding the options for improving production from hatcheries along the Puyallup river system while reducing cost. Options to be considered include shifting production among the hatcheries, consolidation of hatcheries, and shifting responsibilities for construction, maintenance and operations of hatcheries.

Reappropriation:

State Building Construction Account--State. . . . .	\$150,000
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Appropriation:

State Building Construction Account--State. . . . .	\$800,000
 Prior Biennia (Expenditures). . . . .	 \$355,000
Future Biennia (Projected Costs). . . . .	\$1,800,000
TOTAL. . . . .	\$3,105,000

**NEW SECTION. Sec. 3158. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Statewide Fencing Renovation and Replacement (20081009)

Reappropriation:

State Building Construction Account--State. . . . .	\$140,000
 Prior Biennia (Expenditures). . . . .	 \$3,291,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,431,000

**NEW SECTION. Sec. 3159. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Facility Preservation (20081013)

Reappropriation:

State Building Construction Account--State. . . . .	\$829,000
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Prior Biennia (Expenditures) . . . . .	\$2,696,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,525,000

**NEW SECTION. Sec. 3160. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Infrastructure Preservation (20081014)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,018,000
Prior Biennia (Expenditures) . . . . .	\$3,982,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$6,000,000

**NEW SECTION. Sec. 3161. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wiley Slough Restoration (20081028)

Reappropriation:

State Building Construction Account--State. . . . .	\$265,000
General Fund--Federal. . . . .	\$500,000
Subtotal Reappropriation. . . . .	\$765,000
Prior Biennia (Expenditures) . . . . .	\$2,030,000
Future Biennia (Projected Costs) . . . . .	\$318,000
TOTAL . . . . .	\$3,113,000

**NEW SECTION. Sec. 3162. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Bee Be Property (20081029)

Reappropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$252,000
Future Biennia (Projected Costs) . . . . .	\$3,250,000
TOTAL . . . . .	\$3,752,000

**NEW SECTION. Sec. 3163. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Issaquah Hatchery Gravity Intake (20081850)

Reappropriation:

State Building Construction Account--State. . . . .	\$560,000
Prior Biennia (Expenditures) . . . . .	\$2,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$562,000

**NEW SECTION. Sec. 3164. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Grazing Monitoring on Fish and Wildlife Lands (20082001)

Reappropriation:

State Building Construction Account--State. . . . .	\$60,000
Prior Biennia (Expenditures) . . . . .	\$140,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000

**NEW SECTION. Sec. 3165. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Spokane Region One Office (20082008)

Reappropriation:

State Building Construction Account--State. . . . .	\$180,000
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Prior Biennia (Expenditures) . . . . .	\$6,027,000
Future Biennia (Projected Costs) . . . . .	\$4,561,000
TOTAL . . . . .	\$10,768,000

**NEW SECTION. Sec. 3166. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Skookumchuck Hatchery Renovation (20082015)

Reappropriation:

State Building Construction Account--State. . . . .	\$200,000
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Appropriation:

State Building Construction Account--State. . . . .	\$3,728,000
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Prior Biennia (Expenditures) . . . . .	\$328,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,256,000

**NEW SECTION. Sec. 3167. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Stemilt Basin Acquisition (20082029)

Reappropriation:

State Building Construction Account--State. . . . .	\$200,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000

**NEW SECTION. Sec. 3168. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funding (20082048)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$2,300,000 of the reappropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Reappropriation:

General Fund--Federal. . . . .	\$9,000,000
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Appropriation:

General Fund--Private/Local. . . . .	\$2,500,000
Game Special Wildlife Account--Federal. . . . .	\$600,000
Game Special Wildlife Account--Private/Local. . . . .	\$900,000
General Fund--Federal. . . . .	\$25,000,000
Subtotal Appropriation. . . . .	\$29,000,000

Prior Biennia (Expenditures) . . . . .	\$19,125,000
Future Biennia (Projected Costs) . . . . .	\$114,800,000
TOTAL . . . . .	\$171,925,000

**NEW SECTION. Sec. 3169. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Facility Preservation (30000149)

Appropriation:

State Building Construction Account--State. . . . .	\$677,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$10,000,000
TOTAL . . . . .	\$10,677,000

**NEW SECTION. Sec. 3170. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Methow Culverts Replacement (20081027)

Reappropriation:

State Building Construction Account--State. . . . .	\$350,000
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Prior Biennia (Expenditures) . . . . .	\$404,000
Future Biennia (Projected Costs) . . . . .	\$482,000
TOTAL . . . . .	\$1,236,000

**NEW SECTION. Sec. 3171. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory Waterfowl Habitat (20082045)

Appropriation:

Wildlife Account--State . . . . .	\$550,000
Prior Biennia (Expenditures) . . . . .	\$700,000
Future Biennia (Projected Costs) . . . . .	\$3,000,000
TOTAL . . . . .	\$4,250,000

**NEW SECTION. Sec. 3172. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Road Maintenance and Abandonment Plan (30000022)

Appropriation:

State Building Construction Account--State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,050,000
TOTAL . . . . .	\$5,050,000

**NEW SECTION. Sec. 3173. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Access Areas Preservation (30000086)

Appropriation:

State Building Construction Account--State . . . . .	\$408,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$9,167,000
TOTAL . . . . .	\$9,575,000

**NEW SECTION. Sec. 3174. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Washougal Hatchery Pond Renovation (30000094)

Appropriation:

State Building Construction Account--State . . . . .	\$1,236,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,236,000

**NEW SECTION. Sec. 3175. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Grays River Intake Replacement (30000089)

Appropriation:

State Building Construction Account--State . . . . .	\$549,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,499,000
TOTAL . . . . .	\$4,048,000

**NEW SECTION. Sec. 3176. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Skamania Hatchery Intake Replacement (30000088)

Appropriation:

State Building Construction Account--State . . . . .	\$824,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$8,900,000

TOTAL..... \$9,724,000

**NEW SECTION, Sec. 3177. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Health Safety and Code Requirements (30000135)

Appropriation:

State Building Construction Account--State. .... \$1,000,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$10,000,000

TOTAL..... \$11,000,000

**NEW SECTION, Sec. 3178. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Dam and Dike (30000145)

Appropriation:

State Building Construction Account--State. .... \$943,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$3,780,000

TOTAL..... \$4,723,000

**NEW SECTION, Sec. 3179. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Infrastructure Preservation (30000147)

Appropriation:

State Building Construction Account--State. .... \$1,000,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$19,119,000

TOTAL..... \$20,119,000

**NEW SECTION, Sec. 3180. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Emergency Projects (30000161)

Appropriation:

State Building Construction Account--State. .... \$750,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$3,000,000

TOTAL..... \$3,750,000

**NEW SECTION, Sec. 3181. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Fish Passage Barrier Corrections (30000173)

Appropriation:

State Building Construction Account--State. .... \$1,000,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$9,250,000

TOTAL..... \$10,250,000

**NEW SECTION, Sec. 3182. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Programmatic (30000179)

Appropriation:

State Building Construction Account--State. .... \$400,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$5,500,000

TOTAL..... \$5,900,000

**NEW SECTION. Sec. 3183. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Deschutes Watershed Center (20062008)

Reappropriation:

State Building Construction Account--State. ....	\$979,000
Prior Biennia (Expenditures). ....	\$2,216,000
Future Biennia (Projected Costs). ....	\$7,425,000
TOTAL.....	\$10,620,000

**NEW SECTION. Sec. 3184. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Chambers Creek Adult Trap (20081004)

Reappropriation:

State Building Construction Account--State. ....	\$240,000
Prior Biennia (Expenditures). ....	\$12,000
Future Biennia (Projected Costs). ....	\$450,000
TOTAL.....	\$702,000

**NEW SECTION. Sec. 3185. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Tokul Creek Hatchery (20081005)

Reappropriation:

State Building Construction Account--State. ....	\$200,000
Prior Biennia (Expenditures). ....	\$235,000
Future Biennia (Projected Costs). ....	\$3,108,000
TOTAL.....	\$3,543,000

**NEW SECTION. Sec. 3186. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Bebee Springs Phase 3 (92000006)

Appropriation:

State Building Construction Account--State. ....	\$2,643,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,643,000

**NEW SECTION. Sec. 3187. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Arlington Hatchery (91000002)

Appropriation:

Wildlife Account--State. ....	\$200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 3188. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Marine Station (20081015)

Reappropriation:

Resource Management Cost Account--State. ....	\$550,000
State Building Construction Account--State. ....	\$550,000
Subtotal Reappropriation. ....	\$1,100,000
Prior Biennia (Expenditures). ....	\$400,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,500,000

**NEW SECTION. Sec. 3189. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Colville Armory (20082851)

Reappropriation:

Forest Development Account--State.....	\$306,000
Resource Management Cost Account--State.....	\$323,000
State Building Construction Account--State.....	\$292,000
Subtotal Reappropriation.....	\$921,000
Prior Biennia (Expenditures).....	\$21,000
Future Biennia (Projected Costs).....	\$3,000,000
TOTAL.....	\$3,942,000

**NEW SECTION. Sec. 3190. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Forest Legacy (20042015)

Reappropriation:

General Fund--Federal.....	\$4,200,000
Prior Biennia (Expenditures).....	\$18,300,000
Future Biennia (Projected Costs).....	\$41,000,000
TOTAL.....	\$63,500,000

**NEW SECTION. Sec. 3191. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Land Acquisition Grants (20052021)

Reappropriation:

General Fund--Federal.....	\$23,098,000
Prior Biennia (Expenditures).....	\$27,308,000
Future Biennia (Projected Costs).....	\$32,000,000
TOTAL.....	\$82,406,000

**NEW SECTION. Sec. 3192. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Blanchard Mountain (20081951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely as a continuing compensation for preservation of the core of Blanchard mountain in Skagit County and the subsequent acquisition of replacement working forest lands as Skagit county state forest lands. The department shall consult with the University of Washington college of forest resources' northwest environmental forum and with other interest groups prior to the purchase.

Reappropriation:

State Building Construction Account--State.....	\$3,975,000
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Appropriation:

State Building Construction Account--State.....	\$1,500,000
Prior Biennia (Expenditures).....	\$25,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,500,000

**NEW SECTION. Sec. 3193. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Road Maintenance and Abandonment Projects (30000071)

Appropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,800,000
TOTAL.....	\$2,300,000

**NEW SECTION. Sec. 3194. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Areas Facilities Preservation and Access (30000079)

Appropriation:

State Building Construction Account--State. ....	\$700,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,923,000
TOTAL.....	\$14,623,000

**NEW SECTION, Sec. 3195. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Recreation Capital Renovations (30000109)

Appropriation:

State Building Construction Account--State. ....	\$816,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$32,682,000
TOTAL.....	\$33,498,000

**NEW SECTION, Sec. 3196. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Land Bank (30000050)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands at risk of conversion to nonforest uses and working natural resource lands that will protect and enhance the value of trust land holdings. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products and other natural resource industries, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2010, and every two years thereafter, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intent of the legislature to lease the development rights of these conversion lands and retain them as long-term working natural resource lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan.

Appropriation:

Resources Management Cost Account--State.....	\$25,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$100,000,000
TOTAL.....	\$125,000,000

**NEW SECTION, Sec. 3197. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Resources Real Property Replacement (30000051)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands at risk of conversion to nonforest uses and working natural resource lands that will protect and enhance the value of trust land holdings. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products and other natural resource industries, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2010, and every two years thereafter, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intent of the legislature to lease the development rights of these conversion lands and retain them as long-term working natural resource lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan.

Appropriation:

Natural Resources Real Property Replacement Account--State. ....	\$50,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$200,000,000
TOTAL.....	\$250,000,000

**NEW SECTION. Sec. 3198. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Forest Legacy (30000060)

Appropriation:

General Fund--Federal. . . . .	\$9,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$41,000,000
TOTAL. . . . .	\$50,000,000

**NEW SECTION. Sec. 3199. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Land Acquisition Grants (30000061)

Appropriation:

General Fund--Federal. . . . .	\$6,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$32,000,000
TOTAL. . . . .	\$38,000,000

**NEW SECTION. Sec. 3200. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Statewide Aquatic Restoration Projects (30000062)

Appropriation:

State Building Construction Account--State. . . . .	\$300,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$1,535,000
TOTAL. . . . .	\$1,835,000

**NEW SECTION. Sec. 3201. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 State Lands Maintenance (30000063)

Appropriation:

Resources Management Cost Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$13,732,000
TOTAL. . . . .	\$14,732,000

**NEW SECTION. Sec. 3202. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Community and Technical College Trust Land Acquisition (30000065)

Appropriation:

Community and Technical College Forest Reserve Account--State. . . . .	\$200,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$1,050,000
TOTAL. . . . .	\$1,250,000

**NEW SECTION. Sec. 3203. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Trust Land Transfer (30000066)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, housing and essential government services, or recreation purposes. The approved list of properties for lease or transfer is identified in the LEAP capital document No. 2009-2a, developed April 23, 2009.
- (2) Property transferred under this section must be appraised and transferred at fair market value. The value of the timber transferred must be deposited by the department to the common school construction account in the same manner as timber revenues from other common school

trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The value of the land transferred must be deposited in the natural resources real property replacement account.

(3) Property subject to lease agreements under this section must be appraised at fair market value. Lease terms must be fifty years with options to renew for an additional fifty years. Lease payments must be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and must be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs and shall not exceed one and nine-tenths percent of the appropriation.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

(9) \$4,189,000 of the amount appropriated is provided solely for fifty-year leases of development rights from timber lands at risk of conversion to non-timber land uses purchased from appropriations in the 2007-2009 fiscal period.

(10) On June 30, 2011, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State. . . . .	\$100,133,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$400,000,000
TOTAL. . . . .	\$500,133,000

**NEW SECTION. Sec. 3404. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Riparian Open Space Program (30000064)

Appropriation:

State Building Construction Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$4,000,000
TOTAL. . . . .	\$4,500,000

**NEW SECTION. Sec. 3205. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works - Programmatic (30000067)

Appropriation:

Forest Development Account--State. . . . .	\$143,000
Resources Management Cost Account--State. . . . .	\$142,000
Subtotal Appropriation. . . . .	\$285,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$13,100,000
TOTAL. . . . .	\$13,385,000

**NEW SECTION. Sec. 3206. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Hazardous Fuels Reduction, Forest Health, and Ecosystem Improvements (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for hazardous fuels reduction, forest health, and ecosystem improvements.

Appropriation:

General Fund--Federal. . . . .	\$20,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$20,000,000

**NEW SECTION. Sec. 3207. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Right-of-Way Acquisition (30000069)

Appropriation:

Forest Development Account--State. . . . .	\$150,000
Resources Management Cost Account--State. . . . .	\$350,000
Subtotal Appropriation. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$2,450,000
TOTAL. . . . .	\$2,950,000

**NEW SECTION. Sec. 3208. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works - Preservation (30000098)

Appropriation:

State Building Construction Account--State. . . . .	\$201,000
Forest Development Account--State. . . . .	\$134,000
Resources Management Cost Account--State. . . . .	\$144,000
Subtotal Appropriation. . . . .	\$479,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$9,600,000
TOTAL. . . . .	\$10,079,000

**NEW SECTION. Sec. 3209. FOR THE DEPARTMENT OF AGRICULTURE**

Fair Improvements (30000001)

Appropriation:

State Building Construction Account--State. . . . .	\$400,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$400,000

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL**

Minor Works - Preservation (20081001)

Reappropriation:

State Building Construction Account--State. . . . .	\$80,000
Prior Biennia (Expenditures). . . . .	\$400,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$480,000

**NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Sanitary System (20082002)

Reappropriation:



Fire Service Training Account--State. . . . .	\$440,000
Prior Biennia (Expenditures). . . . .	\$3,060,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,500,000

**NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL**

Replace Existing Dormitory (20082003)

Reappropriation:

State Building Construction Account--State. . . . .	\$131,000
Prior Biennia (Expenditures). . . . .	\$1,229,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,360,000

**NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL**

DNA Crime Lab Computer System (20082952)

Reappropriation:

State Building Construction Account--State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

**NEW SECTION. Sec. 4005. FOR THE WASHINGTON STATE PATROL**

Minor Works Projects (30000015)

Appropriation:

State Building Construction Account--State. . . . .	\$375,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$570,000
TOTAL. . . . .	\$945,000

**NEW SECTION. Sec. 4006. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

Columbia River Dredging (2003H001)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,977,000
Prior Biennia (Expenditures). . . . .	\$15,723,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$17,700,000

**NEW SECTION. Sec. 4007. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

Culvert Replacements (20081001)

Reappropriation:

State Building Construction Account--State. . . . .	\$4,900,000
Prior Biennia (Expenditures). . . . .	\$100,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$5,000,000

**NEW SECTION. Sec. 4008. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

Commute Trip Reduction for Thurston County State Agencies (92000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of chapter . . . . (Substitute Senate Bill No. 6088 (commute trip reduction)), Laws of 2009.

Appropriation:

State Vehicle Parking Account--State. ....	\$734,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$734,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2001-03 School Construction Assistance Grant Program (20024001)

Reappropriation:

Common School Construction Account--State.. ....	\$135,000
Prior Biennia (Expenditures). ....	\$346,718,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$346,853,000

**NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2003-05 School Construction Assistance Grant Program (20044001)

Reappropriation:

State Building Construction Account--State. ....	\$6,190,000
Common School Construction Account--State.. ....	\$3,950,000
Subtotal Reappropriation. ....	\$10,140,000
Prior Biennia (Expenditures). ....	\$392,129,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$402,269,000

**NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-07 School Construction Assistance Grant Program (20064100)

Reappropriation:

Common School Construction Account--State.. ....	\$60,000,000
Prior Biennia (Expenditures). ....	\$581,766,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$641,766,000

**NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2005-07 High Performance School Building Grants (20064852)

Reappropriation:

State Building Construction Account--State. ....	\$3,942,000
Prior Biennia (Expenditures). ....	\$2,558,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$6,500,000

**NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Aviation High School (20081002)

Reappropriation:

State Building Construction Account--State. ....	\$900,000
Prior Biennia (Expenditures). ....	\$275,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,175,000

**NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 School Construction Assistance Grants (20084200)

Reappropriation:	
Common School Construction Account--State.....	\$176,922,000
Appropriation:	
State Building Construction Account--State.....	\$137,267,000
Prior Biennia (Expenditures).....	\$477,570,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$791,759,000

**NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Vocational Skills Centers (20084300)

Reappropriation:	
State Building Construction Account--State.....	\$58,546,000
Prior Biennia (Expenditures).....	\$15,161,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$73,707,000

**NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Northeast King County Skills Center (20084855)

Appropriation:	
School Construction/Skills Center Building Account--State.....	\$9,049,000
Prior Biennia (Expenditures).....	\$550,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$9,599,000

**NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 North Central Technical Skills Center (20084861)

Appropriation:	
School Construction/Skills Center Building Account--State.....	\$4,007,000
Prior Biennia (Expenditures).....	\$50,000
Future Biennia (Projected Costs).....	\$18,500,000
TOTAL.....	\$22,557,000

**NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Pierce County Skills Center (20084856)

Reappropriation:	
School Construction/Skills Center Building Account--State.....	\$1,563,000
Appropriation:	
School Construction/Skills Center Building Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$473,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$12,036,000

**NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Health, Safety, and Small Repair Grants (91000007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$3,000,000 of the appropriation is provided solely for nonrecurring costs associated with school facility repairs and renovations necessary for health and safety. The office of the superintendent of public instruction, after consulting with maintenance and operations

administrators of school districts, shall develop criteria for providing funding for specific projects to stay within the appropriation level provided in this section. The criteria must include, but are not limited to, the following: (a) Limiting recipient district applications to one hundred thousand dollars per three-year period; (b) limiting districts eligible to receive the grant only once in any three-year period; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facilities needs.

(2) The appropriation is provided solely for energy operational cost savings and safety and health infrastructure improvements to school facilities initiated after July 1, 2009. The appropriation must be distributed using the performance-based contracting method of delivering energy operational cost savings and safety and health infrastructure improvements to public facilities, unless the minimal cost or the immediacy of the project makes performance-based contracting impracticable. If the minimal cost or immediacy of the project makes performance-based contracting impracticable, the school district must receive a waiver from the office of the superintendent of public instruction in order to use the appropriation to address safety and health needs.

(3) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on the timing and use of the funds by the end of each fiscal year, until the funds are fully expended.

(4) \$100,000 of the appropriation is provided solely to the Monroe public schools for retrofitting the Frank Wagner Elementary chimney.

Appropriation:

State Building Construction Account--State. . . . .	\$20,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$20,000,000

**NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Capital Project Administration (30000037)

Within amounts appropriated in this section, the office of the superintendent of public instruction shall:

(1) Develop a plan, in consultation with the department of natural resources, to assist schools in regularly communicating with the department of natural resources about options for school districts to acquire and lease state trust land;

(2) Continue to develop an asset preservation program;

(3) Conduct an analysis of the appropriate level for the state area cost allowance and the average square-foot space needs for use in the school construction funding formula. The office of the superintendent of public instruction shall provide recommendations regarding the appropriate levels for the area cost allowance and average square-foot space needs to the joint task force on school construction funding by September 1, 2009; and

(4) Convene a definitions work group on the joint use of public school facilities. The work group must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

Appropriation:

Common School Construction Account--State. . . . .	\$3,337,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$14,097,000
TOTAL. . . . .	\$17,434,000

**NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Vocational Skills Center Minor Capital Projects (30000002)

Appropriation:

School Construction and Skill Centers Building Account--State. . . . .	\$3,694,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,694,000

**NEW SECTION. Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2009-11 School Construction Assistance Grant Program (30000031)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction shall develop a tracking system to increase accuracy in predicting the timing of school district claims for reimbursement for school construction assistance grants. The office of the superintendent of public instruction shall also improve its communication with school districts regarding the status of grant projects and create requirements regarding the timing of reimbursement claims. The office of the superintendent of public instruction shall submit a report on the progress of the new tracking and communication system to the appropriate committees of the legislature by November 15, 2009. The report must include a list of school district capital projects receiving state funding and each project's anticipated final reimbursement date.

(2) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

Appropriation:

State Building Construction Account--State. ....	\$369,920,000
Common School Construction Account--State.. ....	\$259,029,000
Common School Construction Account--Federal. ....	\$2,500,000
School Construction and Skill Centers Building Account--Bond--State. ....	\$58,284,000
Subtotal Appropriation. ....	\$689,733,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$3,921,000,000
TOTAL. ....	\$4,610,733,000

**NEW SECTION. Sec. 5015. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Apple Awards (91000001)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 may be awarded to public elementary schools whose students propose capital projects on school property or on other public property in the community, city, or county in which the school is located. The program must be administered by the office of the superintendent of public instruction which shall determine competitive criteria for awarding the grants. \$125,000 of the appropriation is available for five awards of \$25,000 each in the 2009-2010 school year and \$125,000 of the appropriation for five awards of \$25,000 each in the 2010-2011 school year. The funds must be used exclusively for capital projects as proposed by the students in the schools and approved by the district's school board.

Appropriation:

State Building Construction Account--State. ....	\$250,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$250,000

**NEW SECTION. Sec. 5016. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Tri-Tech Skills Center Walla Walla Branch Campus (91000005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the predesign phase of the Walla Walla branch campus of the tri-tech skills center.

Appropriation:

State Building Construction Account--State. ....	\$100,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL. ....	\$100,000

**NEW SECTION. Sec. 5017.** (1) The joint legislative task force on school construction funding, established in the 2007-09 capital budget, is continued to explore the following: (a) Changing the state funding assistance ratio used in the school construction assistance grant program formula; (b) methods to accommodate specialized program space or unique building circumstances (such as all-day kindergarten and science labs); and (c) ways to account for regional cost differences in the school construction assistance grant program formula.

(2)(a) The task force shall consist of six members, including one member from each major caucus from the house of representatives, appointed by the speaker of the house of representatives, and one member from each major caucus from the senate, appointed by the president of the senate. The president of the senate and the speaker of the house of representatives jointly shall appoint two members representing large and small school districts.

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

(4) The task force must conduct its work without incurring travel, per diem, or other costs.

(5) The task force must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

**NEW SECTION. Sec. 5018. FOR THE STATE SCHOOL FOR THE BLIND**

Minor Works Preservation (30000002)

Appropriation:

State Building Construction Account--State. ....	\$620,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,290,000
TOTAL . . . . .	\$2,910,000

**NEW SECTION. Sec. 5019. FOR THE STATE SCHOOL FOR THE BLIND**

New Physical Education Center (20082001)

Reappropriation:

State Building Construction Account--State. . . . .	\$200,000
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Appropriation:

State Building Construction Account--State. . . . .	\$100,000
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Prior Biennia (Expenditures) . . . . .	\$9,100,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$9,400,000

**NEW SECTION. Sec. 5020. FOR THE STATE SCHOOL FOR THE DEAF**

Vocational Education, Cafeteria, and Maintenance Support Building (20082002)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,713,000
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Prior Biennia (Expenditures) . . . . .	\$9,187,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$10,900,000

**NEW SECTION. Sec. 5021. FOR THE STATE SCHOOL FOR THE DEAF**

Minor Works Preservation (30000001)

Appropriation:

State Building Construction Account--State. . . . .	\$820,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,794,000
TOTAL . . . . .	\$3,614,000

**NEW SECTION. Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON**

Computing and Communications Upgrades and Data Center (20082004)

Reappropriation:

State Building Construction Account--State. . . . .	\$10,500,000
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Prior Biennia (Expenditures) . . . . .	\$14,500,000
Future Biennia (Projected Costs) . . . . .	\$15,000,000
TOTAL . . . . .	\$40,000,000

**NEW SECTION. Sec. 5023. FOR THE UNIVERSITY OF WASHINGTON**

Savery Hall Renovation (20061005)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$11,000,000
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Prior Biennia (Expenditures) . . . . .	\$50,510,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$61,510,000

**NEW SECTION. Sec. 5024. FOR THE UNIVERSITY OF WASHINGTON**

Clark Hall Renovation (20061007)

Reappropriation:

Education Construction Account--State . . . . .	\$2,000,000
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Prior Biennia (Expenditures) .....	\$16,054,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$18,054,000

**NEW SECTION. Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works - Facility Preservation (20081001)

Reappropriation:

University of Washington Building Account--State.....	\$16,000,000
Prior Biennia (Expenditures) .....	\$7,000,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$23,000,000

**NEW SECTION. Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON**

Denny Hall Renovation (20081002)

Reappropriation:

State Building Construction Account--State.....	\$800,000
Prior Biennia (Expenditures) .....	\$3,200,000
Future Biennia (Projected Costs) .....	\$47,992,000
TOTAL.....	\$51,992,000

**NEW SECTION. Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON**

Balmer Hall Reconstruction (20081004)

Reappropriation:

State Building Construction Account--State.....	\$3,000,000
Prior Biennia (Expenditures) .....	\$1,000,000
Future Biennia (Projected Costs) .....	\$38,600,000
TOTAL.....	\$42,600,000

**NEW SECTION. Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON**

Intermediate Student Service and Classroom Improvements (20081005)

Reappropriation:

Education Construction Account--State.....	\$7,245,000
Prior Biennia (Expenditures) .....	\$6,036,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$13,281,000

**NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON**

Interdisciplinary Academic Building (20082003)

In conjunction with the reappropriation in this section, the University of Washington is authorized to issue a bond or bonds in an amount not to exceed \$53,554,000 in value for construction of the molecular engineering building identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account, in accordance with RCW 28B.20.700 through 28B.20.740.

Reappropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures) .....	\$4,000,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma (20082005)

Reappropriation:

State Building Construction Account--State. . . . . \$4,000,000

Appropriation:

State Building Construction Account--State. . . . . \$34,000,000

Prior Biennia (Expenditures). . . . . \$2,150,000

Future Biennia (Projected Costs). . . . . \$17,044,000

TOTAL. . . . . \$57,194,000

**NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell (20082006)

Reappropriation:

State Building Construction Account--State. . . . . \$150,000

Appropriation:

State Building Construction Account--State. . . . . \$5,000,000

Prior Biennia (Expenditures). . . . . \$0

Future Biennia (Projected Costs). . . . . \$62,850,000

TOTAL. . . . . \$68,000,000

**NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON**

Burke Museum Renovation (20082850)

Reappropriation:

State Building Construction Account--State. . . . . \$300,000

Prior Biennia (Expenditures). . . . . \$0

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$300,000

**NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Soils Remediation (20082852)

Reappropriation:

State Toxics Control Account--State. . . . . \$1,000,000

Prior Biennia (Expenditures). . . . . \$0

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$1,000,000

**NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Land Acquisition (20062852)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . . \$384,000

Prior Biennia (Expenditures). . . . . \$3,616,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$4,000,000

**NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Land Acquisition (20092003)

Reappropriation:

Education Construction Account--State. . . . . \$469,000

Prior Biennia (Expenditures). . . . . \$1,531,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$2,000,000



**NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON**  
Anderson Hall Renovation (20091002)

Appropriation:

State Building Construction Account--State. ....	\$200,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$21,225,000
TOTAL.....	\$21,425,000

**NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON**  
Lewis Hall Renovation (20081003)

Reappropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$1,000,000
Future Biennia (Projected Costs). ....	\$23,585,000
TOTAL.....	\$25,585,000

**NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON**  
House of Knowledge Longhouse (30000021)

Appropriation:

State Building Construction Account--State. ....	\$300,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$11,757,000
TOTAL.....	\$12,057,000

**NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Facility Preservation (30000027)

Appropriation:

State Building Construction Account--State. ....	\$26,000,000
University of Washington Building Account--State.....	\$8,175,000
Subtotal Appropriation.....	\$34,175,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$146,000,000
TOTAL.....	\$180,175,000

**NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Program (30000110)

Appropriation:

University of Washington Building Account--State.....	\$5,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$20,000,000
TOTAL.....	\$25,000,000

**NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON**  
Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

University of Washington Building Account--State.....	\$25,825,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$103,300,000
TOTAL.....	\$129,125,000

**NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON**  
 Safe Campus (30000022)

Appropriation:

University of Washington Building Account--State.....	\$8,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$8,000,000

**NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON**  
 Infrastructure Savings (30000289)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State.....	\$1
Gardner-Evans Higher Education Construction Account--State.....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5044. FOR THE WASHINGTON STATE UNIVERSITY**  
 WSU Pullman - Biomedical Sciences Facility (20042009)

In conjunction with the appropriations in this section, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$95,780,000 in value for construction of the facility identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

Prior Biennia (Expenditures).....	\$250,000
TOTAL.....	\$250,000

**NEW SECTION. Sec. 5045. FOR THE WASHINGTON STATE UNIVERSITY**  
 WSU Pullman - Biotechnology and Life Sciences 2 (20042085)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	\$5,710,000
Prior Biennia (Expenditures).....	\$57,768,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$63,478,000

**NEW SECTION. Sec. 5046. FOR THE WASHINGTON STATE UNIVERSITY**  
 WSU Spokane - Nursing Building at Riverpoint (20042941)

Reappropriation:

State Building Construction Account--State.....	\$1,750,000
Prior Biennia (Expenditures).....	\$32,850,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$34,600,000

**NEW SECTION. Sec. 5047. FOR THE WASHINGTON STATE UNIVERSITY**  
 WSU Vancouver - Applied Technology and Classroom Building (20062950)

In conjunction with the appropriation in this section, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$10,000,000 in value for construction of the facility identified in this section. The bond must be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

Reappropriation:

State Building Construction Account--State. . . . . \$1,500,000

Appropriation:

State Building Construction Account--State. . . . . \$26,742,000

Prior Biennia (Expenditures). . . . . \$3,420,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$31,662,000

**NEW SECTION. Sec. 5048. FOR THE WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Undergraduate Classroom Building (20062951)

Reappropriation:

State Building Construction Account--State. . . . . \$6,117,000

Prior Biennia (Expenditures). . . . . \$21,883,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$28,000,000

**NEW SECTION. Sec. 5049. FOR THE WASHINGTON STATE UNIVERSITY**

Utilities Extension (20081100)

Reappropriation:

Washington State University Building Account--State. . . . . \$900,000

Prior Biennia (Expenditures). . . . . \$10,636,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$11,536,000

**NEW SECTION. Sec. 5050. FOR THE WASHINGTON STATE UNIVERSITY**

University-wide Infrastructure (20081701)

Reappropriation:

State Building Construction Account--State. . . . . \$1,500,000

Prior Biennia (Expenditures). . . . . \$6,500,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$8,000,000

**NEW SECTION. Sec. 5051. FOR THE WASHINGTON STATE UNIVERSITY**

Library Road Infrastructure (20081703)

Reappropriation:

State Building Construction Account--State. . . . . \$250,000

Washington State University Building Account--State. . . . . \$2,950,000

Subtotal Reappropriation. . . . . \$3,200,000

Prior Biennia (Expenditures). . . . . \$11,800,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$15,000,000

**NEW SECTION. Sec. 5052. FOR THE WASHINGTON STATE UNIVERSITY**

Minor Works - Program (20082002)

Reappropriation:

Washington State University Building Account--State. . . . . \$1,900,000

Prior Biennia (Expenditures). . . . . \$15,100,000

Future Biennia (Projected Costs). . . . . \$0

TOTAL. . . . . \$17,000,000

**NEW SECTION. Sec. 5053. FOR THE WASHINGTON STATE UNIVERSITY**

Minor Works - Facility Preservation (20081001)

Reappropriation:

State Building Construction Account--State. ....	\$1,475,000
Washington State University Building Account--State. ....	\$2,350,000
Subtotal Reappropriation. ....	\$3,825,000
Prior Biennia (Expenditures). ....	\$35,075,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$38,900,000

**NEW SECTION. Sec. 5054. FOR THE WASHINGTON STATE UNIVERSITY**  
 WSU Spokane - Riverpoint Biomedical & Health Sciences (20162953)

Appropriation:

State Building Construction Account--State. ....	\$4,340,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$39,775,000
TOTAL.....	\$44,115,000

**NEW SECTION. Sec. 5055. FOR THE WASHINGTON STATE UNIVERSITY**  
 Minor Works - Preservation (30000065)

Appropriation:

State Building Construction Account--State. ....	\$17,628,000
Washington State University Building Account--	
State. ....	\$10,000,000
Subtotal Appropriation.....	\$27,628,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$27,628,000

**NEW SECTION. Sec. 5056. FOR THE WASHINGTON STATE UNIVERSITY**  
 Minor Works - Program (30000066)

Appropriation:

State Building Construction Account--State. ....	\$7,042,000
Washington State University Building Account--State. ....	\$10,485,000
Subtotal Appropriation.....	\$17,527,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$3,073,000
TOTAL.....	\$20,600,000

**NEW SECTION. Sec. 5057. FOR THE WASHINGTON STATE UNIVERSITY**  
 Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Washington State University Building Account--State. ....	\$10,115,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$40,460,000
TOTAL.....	\$50,575,000

**NEW SECTION. Sec. 5058. FOR THE WASHINGTON STATE UNIVERSITY**  
 Global Animal Health Phase I (92000001)

Contingent upon expenditure of a \$25,000,000 million private grant for the same purpose, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$6,200,000 in value for construction of the facility identified in this section. The bond shall

be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

**NEW SECTION. Sec. 5059. FOR THE WASHINGTON STATE UNIVERSITY**  
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. . . . .	\$1
Gardner-Evans Higher Education Construction Account--State. . . . .	\$1
Subtotal Appropriation. . . . .	\$2
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2

**NEW SECTION. Sec. 5060. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (20081001)

Reappropriation:

State Building Construction Account--State. . . . .	\$250,000
Eastern Washington University Capital Projects Account--State. . . . .	\$1,500,000
Subtotal Reappropriation. . . . .	\$1,750,000
Prior Biennia (Expenditures). . . . .	\$2,250,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,000,000

**NEW SECTION. Sec. 5061. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety, and Code Requirements (20081002)

Reappropriation:

Education Construction Account--State. . . . .	\$1,500,000
Prior Biennia (Expenditures). . . . .	\$2,500,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,000,000

**NEW SECTION. Sec. 5062. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (20081003)

Reappropriation:

State Building Construction Account--State. . . . .	\$2,500,000
Prior Biennia (Expenditures). . . . .	\$1,500,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,000,000

**NEW SECTION. Sec. 5063. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Program (20082001)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Eastern Washington University Capital Projects Account--State. . . . .	\$2,300,000
Subtotal Reappropriation. . . . .	\$3,300,000
Prior Biennia (Expenditures). . . . .	\$7,700,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$11,000,000

**NEW SECTION, Sec. 5064. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Patterson Hall Remodel (20062002)

Reappropriation:  
 State Building Construction Account--State. . . . . \$400,000

Appropriation:  
 State Building Construction Account--State. . . . . \$26,600,000

Prior Biennia (Expenditures). . . . . \$1,734,000  
 Future Biennia (Projected Costs). . . . . \$34,416,000  
 TOTAL. . . . . \$63,150,000

**NEW SECTION, Sec. 5065. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Preventive Maintenance and Building System Repairs (30000044)

Appropriation:  
 Eastern Washington University Capital Projects Account--State. . . . . \$2,217,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$8,868,000  
 TOTAL. . . . . \$11,085,000

**NEW SECTION, Sec. 5066. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Biology Chemistry Science Center (30000001)

Appropriation:  
 State Building Construction Account--State. . . . . \$400,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$59,491,000  
 TOTAL. . . . . \$59,891,000

**NEW SECTION, Sec. 5067. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety and Code Compliance (30000053)

Appropriation:  
 State Building Construction Account--State. . . . . \$2,500,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$10,000,000  
 TOTAL. . . . . \$12,500,000

**NEW SECTION, Sec. 5068. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (30000054)

Appropriation:  
 State Building Construction Account--State. . . . . \$3,000,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$12,000,000  
 TOTAL. . . . . \$15,000,000

**NEW SECTION, Sec. 5069. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Infrastructure Preservation (30000055)

Appropriation:  
 State Building Construction Account--State. . . . . \$500,000  
 Eastern Washington University Capital Projects Account--State. . . . . \$1,000,000  
 Subtotal Appropriation. . . . . \$1,500,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$6,000,000

TOTAL..... \$7,500,000

**NEW SECTION. Sec. 5070. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Minor Works - Program (30000056)

Appropriation:

Eastern Washington University Capital Projects Account--State..... \$3,306,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$27,200,000

TOTAL..... \$30,506,000

**NEW SECTION. Sec. 5071. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Riverpoint Center Acquisition (30000061)

The appropriation in this section is subject to the following conditions and limitations:

(1) Eastern Washington University is authorized to sell its center at 701 West First Avenue in downtown Spokane, and directed to deposit the proceeds of the sale into the Eastern Washington University capital projects account.

(2) Contingent upon and following the sale, and after completion of a current independent appraisal, Eastern Washington University is authorized to expend an amount not to exceed the total appropriation in this section to acquire an at least fifty percent ownership interest in a facility on or adjacent to the Riverpoint higher education campus to support delivery of the university's Spokane-based programs.

(3) The university shall report to the office of financial management and to the appropriate committees of the legislature upon the sale of the downtown center and completion of the updated appraisal.

Appropriation:

Eastern Washington University Capital Projects Account--State..... \$5,500,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$5,500,000

**NEW SECTION. Sec. 5072. FOR THE EASTERN WASHINGTON UNIVERSITY**  
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State..... \$1

Gardner-Evans Higher Education Construction Account--State..... \$1

Subtotal Appropriation..... \$2

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$2

**NEW SECTION. Sec. 5073. FOR THE CENTRAL WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (20081001)

Reappropriation:

State Building Construction Account--State..... \$1,000,000

Prior Biennia (Expenditures)..... \$2,175,000

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$3,175,000

**NEW SECTION. Sec. 5074. FOR THE CENTRAL WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety, and Code Requirements (20081009)

Reappropriation:

Central Washington University Capital Projects Account--State..... \$250,000

Prior Biennia (Expenditures) . . . . .	\$3,085,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,335,000

**NEW SECTION. Sec. 5075. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works - Infrastructure Preservation (20081010)

Reappropriation:

State Building Construction Account--State. . . . .	\$500,000
Central Washington University Capital Projects Account--State. . . . .	\$100,000
Subtotal Reappropriation. . . . .	\$600,000

Prior Biennia (Expenditures) . . . . .	\$2,690,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,290,000

**NEW SECTION. Sec. 5076. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works - Program (20082002)

Reappropriation:

State Building Construction Account--State. . . . .	\$500,000
Central Washington University Capital Projects Account--State. . . . .	\$500,000
Subtotal Reappropriation. . . . .	\$1,000,000

Prior Biennia (Expenditures) . . . . .	\$6,800,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$7,800,000

**NEW SECTION. Sec. 5077. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Hogue Hall Renovation and Addition (20082003)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,500,000
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Appropriation:

State Building Construction Account--State. . . . .	\$27,265,000
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Prior Biennia (Expenditures) . . . . .	\$1,500,000
Future Biennia (Projected Costs) . . . . .	\$18,837,000
TOTAL . . . . .	\$49,102,000

**NEW SECTION. Sec. 5078. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works - Health Safety and Code Requirements (30000002)

Appropriation:

State Building Construction Account--State. . . . .	\$950,000
Central Washington University Capital Projects Account--State. . . . .	\$700,000
Subtotal Appropriation. . . . .	\$1,650,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000
TOTAL . . . . .	\$13,650,000

**NEW SECTION. Sec. 5079. FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works - Infrastructure Preservation (30000009)

Appropriation:

State Building Construction Account--State. . . . .	\$690,000
Central Washington University Capital Projects Account--State. . . . .	\$2,050,000
Subtotal Appropriation. . . . .	\$2,740,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,000,000



TOTAL..... \$14,740,000

**NEW SECTION. Sec. 5080. FOR THE CENTRAL WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (30000016)

Appropriation:

State Building Construction Account--State. .... \$2,610,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$12,000,000

TOTAL..... \$14,610,000

**NEW SECTION. Sec. 5081. FOR THE CENTRAL WASHINGTON UNIVERSITY**  
 Minor Works - Program (30000025)

Appropriation:

State Building Construction Account--State. .... \$2,000,000

Central Washington University Capital Projects Account--State. .... \$1,181,000

Subtotal Appropriation..... \$3,181,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$28,000,000

TOTAL..... \$31,181,000

**NEW SECTION. Sec. 5082. FOR THE CENTRAL WASHINGTON UNIVERSITY**  
 Science Building (30000045)

Appropriation:

State Building Construction Account--State. .... \$600,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$55,870,000

TOTAL..... \$56,470,000

**NEW SECTION. Sec. 5083. FOR THE CENTRAL WASHINGTON UNIVERSITY**  
 Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Central Washington University Capital  
 Project Account--State. .... \$2,422,000

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$9,688,000

TOTAL..... \$12,110,000

**NEW SECTION. Sec. 5084. FOR THE CENTRAL WASHINGTON UNIVERSITY**  
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. .... \$1

Gardner-Evans Higher Education Construction Account--State. .... \$1

Subtotal Appropriation..... \$2

Prior Biennia (Expenditures). .... \$0

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$2

**NEW SECTION. Sec. 5085. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Preservation (20081001)

Reappropriation:

The Evergreen State College Capital Projects Account--State.....	\$910,000
Prior Biennia (Expenditures).....	\$4,390,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$5,300,000

**NEW SECTION. Sec. 5086. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Health, Safety, and Code Requirements (20081002)

Reappropriation:

State Building Construction Account--State.....	\$725,000
Prior Biennia (Expenditures).....	\$2,275,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$3,000,000

**NEW SECTION. Sec. 5087. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Infrastructure Preservation (20081004)

Reappropriation:

State Building Construction Account--State.....	\$200,000
Prior Biennia (Expenditures).....	\$500,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$700,000

**NEW SECTION. Sec. 5088. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Program (20082003)

Reappropriation:

State Building Construction Account--State.....	\$75,000
Prior Biennia (Expenditures).....	\$855,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$930,000

**NEW SECTION. Sec. 5089. FOR THE EVERGREEN STATE COLLEGE**

Longhouse Expansion (20082007)

Reappropriation:

State Building Construction Account--State.....	\$760,000
Prior Biennia (Expenditures).....	\$940,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,700,000

**NEW SECTION. Sec. 5090. FOR THE EVERGREEN STATE COLLEGE**

College Activities Building Renovation (20082009)

Reappropriation:

State Building Construction Account--State.....	\$4,120,000
Prior Biennia (Expenditures).....	\$780,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$4,900,000

**NEW SECTION. Sec. 5091. FOR THE EVERGREEN STATE COLLEGE**

Communications Laboratory Building Preservation and Renovation (30000002)

Appropriation:

State Building Construction Account--State. ....	\$1,821,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$8,835,000
TOTAL.....	\$10,656,000

**NEW SECTION. Sec. 5092. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Preservation (30000003)

Appropriation:

State Building Construction Account--State. ....	\$760,000
The Evergreen State College Capital Projects Account--State.....	\$3,765,000
Subtotal Appropriation.....	\$4,525,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,525,000

**NEW SECTION. Sec. 5093. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Health, Safety, Code Compliance (30000016)

Appropriation:

State Building Construction Account--State. ....	\$2,515,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,515,000

**NEW SECTION. Sec. 5094. FOR THE EVERGREEN STATE COLLEGE**

Laboratory and Art Annex Building Renovation (30000026)

Appropriation:

State Building Construction Account--State. ....	\$4,849,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,849,000

**NEW SECTION. Sec. 5095. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Program (30000031)

Appropriation:

State Building Construction Account--State. ....	\$1,550,000
The Evergreen State College Capital Projects Account--State.....	\$520,000
Subtotal Appropriation.....	\$2,070,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,070,000

**NEW SECTION. Sec. 5096. FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Infrastructure (30000046)

Appropriation:

State Building Construction Account--State. ....	\$1,380,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,380,000

**NEW SECTION. Sec. 5097. FOR THE EVERGREEN STATE COLLEGE**

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

The Evergreen State College Capital Projects Account--State.....	\$760,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$760,000

**NEW SECTION. Sec. 5098. FOR THE EVERGREEN STATE COLLEGE**  
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State.....	\$1
Gardner-Evans Higher Education Construction Account--State.....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5099. FOR THE WESTERN WASHINGTON UNIVERSITY**  
 Academic Instructional Center (20022026)

Reappropriation:

State Building Construction Account--State.....	\$1,000,000
Western Washington University Capital Projects Account--State.....	\$400,000
Subtotal Reappropriation.....	\$1,400,000
Prior Biennia (Expenditures).....	\$62,844,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$64,244,000

**NEW SECTION. Sec. 5100. FOR THE WESTERN WASHINGTON UNIVERSITY**  
 Miller Hall Renovation (20041953)

Reappropriation:

State Building Construction Account--State.....	\$2,000,000
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Appropriation:

State Building Construction Account--State.....	\$54,625,000
Prior Biennia (Expenditures).....	\$3,773,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$60,398,000

**NEW SECTION. Sec. 5101. FOR THE WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Health, Safety, and Code Requirements (20081090)

Reappropriation:

State Building Construction Account--State.....	\$1,400,000
Prior Biennia (Expenditures).....	\$1,533,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,933,000

**NEW SECTION. Sec. 5102. FOR THE WESTERN WASHINGTON UNIVERSITY**  
 Minor Works - Facility Preservation (20081091)

Reappropriation:

State Building Construction Account--State. ....	\$2,700,000
Prior Biennia (Expenditures). ....	\$2,351,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,051,000

**NEW SECTION. Sec. 5103. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Infrastructure Preservation (20081092)

Reappropriation:

State Building Construction Account--State. ....	\$900,000
Prior Biennia (Expenditures). ....	\$1,116,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,016,000

**NEW SECTION. Sec. 5104. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program (20082093)

Reappropriation:

State Building Construction Account--State. ....	\$1,500,000
Western Washington University Capital Projects Account--State. ....	\$2,500,000
Subtotal Reappropriation. ....	\$4,000,000
Prior Biennia (Expenditures). ....	\$6,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$10,000,000

**NEW SECTION. Sec. 5105. FOR THE WESTERN WASHINGTON UNIVERSITY**

Academic Facilities Modernization Projects (20082099)

Reappropriation:

State Building Construction Account--State. ....	\$9,300,000
Prior Biennia (Expenditures). ....	\$1,700,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$11,000,000

**NEW SECTION. Sec. 5106. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Health, Safety, and Code Requirements (30000004)

Appropriation:

State Building Construction Account--State. ....	\$2,572,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$10,000,000
TOTAL.....	\$12,572,000

**NEW SECTION. Sec. 5107. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Facilities Preservation (30000005)

Appropriation:

State Building Construction Account--State. ....	\$3,911,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$14,000,000
TOTAL.....	\$17,911,000

**NEW SECTION. Sec. 5108. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Infrastructure (30000006)

Appropriation:

State Building Construction Account--State. ....	\$1,781,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$8,000,000
TOTAL.....	\$9,781,000

**NEW SECTION. Sec. 5109. FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program (30000007)

Appropriation:

State Building Construction Account--State. ....	\$5,248,000
Western Washington University Capital Projects Account--State. ....	\$3,000,000
Subtotal Appropriation.....	\$8,248,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$36,000,000
TOTAL.....	\$44,248,000

**NEW SECTION. Sec. 5110. FOR THE WESTERN WASHINGTON UNIVERSITY**

Network Infrastructure/Switches (30000011)

Appropriation:

Western Washington University Capital Projects Account--State. ....	\$4,616,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,616,000

**NEW SECTION. Sec. 5111. FOR THE WESTERN WASHINGTON UNIVERSITY**

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Western Washington University Capital Projects Account--State. ....	\$3,614,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$14,456,000
TOTAL.....	\$18,070,000

**NEW SECTION. Sec. 5112. FOR THE WESTERN WASHINGTON UNIVERSITY**

Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Gardner-Evans Higher Education Construction Account--State. ....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5113. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Pacific-Lewis and Clark Station Camp Park Project (2002S001)

Reappropriation:

State Building Construction Account--State. ....	\$2,422,000
Prior Biennia (Expenditures). ....	\$2,011,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,433,000

**NEW SECTION. Sec. 5114. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Lewis and Clark Trail Interpretive Infrastructure Grant (20024001)

Reappropriation:

State Building Construction Account--State. ....	\$918,000
Prior Biennia (Expenditures) .....	\$1,082,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 5115. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Projects (20044004)

Reappropriation:

State Building Construction Account--State. ....	\$690,000
Prior Biennia (Expenditures) .....	\$3,310,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,000,000

**NEW SECTION. Sec. 5116. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Statewide - Washington Heritage Project Grants (20064004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 733, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State. ....	\$1,318,000
Prior Biennia (Expenditures) .....	\$3,346,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$4,664,000

**NEW SECTION. Sec. 5117. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Tacoma State History Museum Building Preservation (20071001)

Reappropriation:

State Building Construction Account--State. ....	\$75,000
Prior Biennia (Expenditures) .....	\$425,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$500,000

**NEW SECTION. Sec. 5118. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Grants (20074004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the project list in section 5137, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State. ....	\$7,630,000
Prior Biennia (Expenditures) .....	\$2,370,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$10,000,000

**NEW SECTION. Sec. 5119. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Olympia - State Capitol Museum: Building Preservation (20081002)

Reappropriation:

State Building Construction Account--State. ....	\$60,000
Prior Biennia (Expenditures). ....	\$147,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$207,000

**NEW SECTION. Sec. 5120. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Project Capital Grants (30000011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects.
- (3) The 2011-13 projects must be selected based on their readiness to proceed.

<b>Project</b>	<b>Recommended</b>
Wenatchee Valley Museum	\$150,000
West Point Light Station	\$300,000
Des Moines Field House	\$420,000
Washington Hall	\$381,000
Percival Landing	\$567,000
Roslyn City Hall & Library	\$194,000
Spokane County courthouse	\$500,000
Snoqualmie Chapel car #5	\$125,000
Edmonds Carnegie Library museum	\$48,000
Ilwaco museum collections	\$41,000
Minkler Mansion	\$200,000
Cheney house for a museum	\$87,000
Longview Columbia theatre	\$1,000,000
Chinook School	\$350,000
Territorial Courthouse of 1858	\$167,000
Hanford Interpretive Center	\$147,000
Carnegie Library Museum	\$883,000
Dynamite Train Canopy	\$50,000
King Street Station	\$750,000
Lakewood Carriage House	\$110,000
Lincoln School	\$175,000
Quincy Pioneer Church	\$195,000
Ezra Meeker Mansion	\$100,000
Port Townsend Storage Facility	\$450,000
Puyallup Church Spire	\$17,000
Morris House and Washington Harbor School	\$27,000
Kalama Interpretive Center	\$212,000
Foss Waterway Seaport Building	\$750,000
Pioneer State Bank Building	\$201,000
Kirkman House	\$32,000
Malo Sawmill	\$70,000
Stimson-Green Mansion	\$23,000
Lightship #83	\$335,000
Masonic Temple Building	\$350,000
Wilkeson Centennial Monument	\$10,000
Eddon Boatyard ways and dock	\$243,000
Commencement Restoration	\$86,000
Vessel Shenandoah	\$179,000
Walt's Mill	\$75,000
TOTAL	\$10,000,000

Appropriation:

State Building Construction Account--State. ....	\$10,000,000
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Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$40,000,000
TOTAL . . . . .	\$50,000,000

**NEW SECTION. Sec. 5121. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation (30000093)

Appropriation:

State Building Construction Account--State. . . . .	\$1,402,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$9,000,000
TOTAL . . . . .	\$10,402,000

**NEW SECTION. Sec. 5122. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Museum System Repair and Upgrades/Preservation (20081013)

Reappropriation:

State Building Construction Account--State. . . . .	\$400,000
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Appropriation:

State Building Construction Account--State. . . . .	\$857,000
Prior Biennia (Expenditures) . . . . .	\$600,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,857,000

**NEW SECTION. Sec. 5123. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Health, Safety, and Code Requirements (30000001)

Appropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,250,000
TOTAL . . . . .	\$1,500,000

**NEW SECTION. Sec. 5124. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Facility Preservation (30000004)

Appropriation:

State Building Construction Account--State. . . . .	\$534,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$534,000

**NEW SECTION. Sec. 5125. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Program (30000008)

Appropriation:

State Building Construction Account--State. . . . .	\$298,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$191,000
TOTAL . . . . .	\$489,000

**NEW SECTION. Sec. 5126. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Puyallup - Expansion (20002676)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$69,000
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Prior Biennia (Expenditures) . . . . .	\$25,266,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$25,335,000

**NEW SECTION. Sec. 5127. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College - Science Building (20012687)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,773,000
Prior Biennia (Expenditures) . . . . .	\$30,123,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$31,896,000

**NEW SECTION. Sec. 5128. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - Science Building (20012688)

Reappropriation:

State Building Construction Account--State. . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$28,803,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$29,803,000

**NEW SECTION. Sec. 5129. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College - Glenn Anthon Hall - Replacement (20041207)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,573,000
Prior Biennia (Expenditures) . . . . .	\$27,072,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$28,645,000

**NEW SECTION. Sec. 5130. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Peninsula College - Replacement Science and Technology Building (20041208)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$37,000
Prior Biennia (Expenditures) . . . . .	\$23,603,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$23,640,000

**NEW SECTION. Sec. 5131. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Skagit Valley College - Science Building Replacement (20041209)

Reappropriation:

State Building Construction Account--State. . . . .	\$10,700,000
Prior Biennia (Expenditures) . . . . .	\$20,737,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$31,437,000

**NEW SECTION. Sec. 5132. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Community College - Science Building Replacement (20041212)

Reappropriation:

State Building Construction Account--State. . . . .	\$400,000
Prior Biennia (Expenditures) . . . . .	\$15,487,000
Future Biennia (Projected Costs) . . . . .	\$0

TOTAL..... \$15,887,000

**NEW SECTION, Sec. 5133. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellingham Technical College - Welding and Auto Collision Replacement (20041213)

Reappropriation:

State Building Construction Account--State. .... \$117,000

Prior Biennia (Expenditures). .... \$16,721,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$16,838,000

**NEW SECTION, Sec. 5134. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Lower Columbia College - Instructional Fine Arts Building (20041214)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$300,000

Prior Biennia (Expenditures). .... \$24,362,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$24,662,000

**NEW SECTION, Sec. 5135. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Clark College - East County Satellite (20041689)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$5,000,000

Prior Biennia (Expenditures). .... \$24,876,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$29,876,000

**NEW SECTION, Sec. 5136. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College - Computer Technology Center (20042682)

Reappropriation:

State Building Construction Account--State. .... \$200,000

Prior Biennia (Expenditures). .... \$11,800,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$12,000,000

**NEW SECTION, Sec. 5137. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellevue Community College - Science and Technology (20042690)

Reappropriation:

State Building Construction Account--State. .... \$1,000,000

Prior Biennia (Expenditures). .... \$38,070,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$39,070,000

**NEW SECTION, Sec. 5138. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College Puyallup - Communication Arts and Health Building (20042691)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$18,500,000

Prior Biennia (Expenditures). .... \$8,750,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$27,250,000

**NEW SECTION. Sec. 5139. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College - University Center at North Puget Sound (20042692)

Reappropriation:

State Building Construction Account--State. ....	\$3,870,000
Prior Biennia (Expenditures). ....	\$48,068,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$51,938,000

**NEW SECTION. Sec. 5140. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Cascadia - Center for Arts, Technology, Communication (20042693)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$23,063,000
Prior Biennia (Expenditures). ....	\$12,764,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$35,827,000

**NEW SECTION. Sec. 5141. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College, Fort Steilacoom - Science and Technology (20042694)

Reappropriation:

State Building Construction Account--State. ....	\$20,000,000
Prior Biennia (Expenditures). ....	\$12,393,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$32,393,000

**NEW SECTION. Sec. 5142. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Puget Sound Community College - Science Complex (20042695)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$250,000
State Building Construction Account--State. ....	\$1,000,000
Subtotal Reappropriation. ....	\$1,250,000
Prior Biennia (Expenditures). ....	\$27,870,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$29,120,000

**NEW SECTION. Sec. 5143. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Centralia Community College - Science Building (20042850)

Reappropriation:

State Building Construction Account--State. ....	\$194,000
Gardner-Evans Higher Education Construction Account--State. ....	\$3,000,000
Subtotal Reappropriation. ....	\$3,194,000
Prior Biennia (Expenditures). ....	\$28,919,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$32,113,000

**NEW SECTION. Sec. 5144. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls - Business and Social Science Building (20051853)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$19,313,000
Future Biennia (Projected Costs). ....	\$0

TOTAL..... \$20,313,000

**NEW SECTION, Sec. 5145. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 South Seattle Community College - Training Facility (20051854)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. .... \$32,000

Prior Biennia (Expenditures). .... \$9,720,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$9,752,000

**NEW SECTION, Sec. 5146. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works Preservation (Repairs and Minor Improvements) (20061001)

Reappropriation:

Community/Technical College Capital Projects Account--State. .... \$474,000

Prior Biennia (Expenditures). .... \$13,526,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$14,000,000

**NEW SECTION, Sec. 5147. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Roof Repairs (20061010)

Reappropriation:

Community/Technical College Capital Projects Account--State. .... \$500,000

Prior Biennia (Expenditures). .... \$8,340,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$8,840,000

**NEW SECTION, Sec. 5148. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Facility Repairs (20061050)

Reappropriation:

Community and Technical College Capital Projects Account--State. .... \$2,500,000

Prior Biennia (Expenditures). .... \$19,827,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$22,327,000

**NEW SECTION, Sec. 5149. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Site Repairs (20061090)

Reappropriation:

Community and Technical College Capital Projects Account--State. .... \$800,000

Prior Biennia (Expenditures). .... \$3,037,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$3,837,000

**NEW SECTION, Sec. 5150. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Olympic College - Humanities and Student Services (20061204)

Reappropriation:

State Building Construction Account--State. .... \$25,000,000

Prior Biennia (Expenditures). .... \$16,388,000

Future Biennia (Projected Costs). .... \$0

TOTAL..... \$41,388,000

**NEW SECTION. Sec. 5151. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College - Humanities and Classroom Building (20061205)

Reappropriation:

State Building Construction Account--State. ....	\$1,054,000
Prior Biennia (Expenditures). ....	\$1,827,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,881,000

**NEW SECTION. Sec. 5152. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College - Vocational Education Renovation (20061303)

Reappropriation:

State Building Construction Account--State. ....	\$230,000
Prior Biennia (Expenditures). ....	\$5,141,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$5,371,000

**NEW SECTION. Sec. 5153. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College - Library Renovation (20061305)

Reappropriation:

State Building Construction Account--State. ....	\$40,000
Prior Biennia (Expenditures). ....	\$13,960,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,000,000

**NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Shoreline Community College - Annex Renovation (20061312)

Reappropriation:

State Building Construction Account--State. ....	\$180,000
Prior Biennia (Expenditures). ....	\$2,559,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,739,000

**NEW SECTION. Sec. 5155. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College - Physical Education Renovation (20061313)

Reappropriation:

State Building Construction Account--State. ....	\$900,000
Prior Biennia (Expenditures). ....	\$3,395,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,295,000

**NEW SECTION. Sec. 5156. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College - Raymond Hall Renovation (20061325)

Reappropriation:

State Building Construction Account--State. ....	\$150,000
Prior Biennia (Expenditures). ....	\$4,018,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$4,168,000

**NEW SECTION. Sec. 5157. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Pierce College Fort Steilacoom - Cascade Core (20061326)

Reappropriation:

Community/Technical College Capital Projects Account--State. . . . .	\$1,000,000
State Building Construction Account--State. . . . .	\$5,000,000
Subtotal Reappropriation. . . . .	\$6,000,000
Prior Biennia (Expenditures). . . . .	\$20,953,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$26,953,000

**NEW SECTION. Sec. 5158. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College - Wellness Center Repairs (20061330)

Reappropriation:

State Building Construction Account--State. . . . .	\$250,000
Prior Biennia (Expenditures). . . . .	\$2,750,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$3,000,000

**NEW SECTION. Sec. 5159. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - Water System Replacement (20061501)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,942,000
Prior Biennia (Expenditures). . . . .	\$9,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,951,000

**NEW SECTION. Sec. 5160. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College - Maritime Academy Repairs (20061502)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$1,700,000
Prior Biennia (Expenditures). . . . .	\$256,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$1,956,000

**NEW SECTION. Sec. 5161. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Savings (20061751)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State. . . . .	\$519,000
Prior Biennia (Expenditures). . . . .	\$2,197,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$2,716,000

**NEW SECTION. Sec. 5162. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program (20062130)

Reappropriation:

State Building Construction Account--State. . . . .	\$920,000
Prior Biennia (Expenditures). . . . .	\$19,083,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$20,003,000

**NEW SECTION. Sec. 5163. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College - Greenhouse/Educational Center (20062410)

Reappropriation:

State Building Construction Account--State. ....	\$206,000
Prior Biennia (Expenditures). ....	\$44,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$250,000

**NEW SECTION. Sec. 5164. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College - Campus Classrooms (20062696)

Reappropriation:

State Building Construction Account--State. ....	\$1,450,000
Prior Biennia (Expenditures). ....	\$434,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,884,000

**NEW SECTION. Sec. 5165. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College - Allied Health Building (20062697)

Reappropriation:

State Building Construction Account--State. ....	\$900,000
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Appropriation:

State Building Construction Account--State. ....	\$25,986,000
Prior Biennia (Expenditures). ....	\$1,029,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$27,915,000

**NEW SECTION. Sec. 5166. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Learning Resource Center (20062698)

Reappropriation:

State Building Construction Account--State. ....	\$3,256,000
Prior Biennia (Expenditures). ....	\$209,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$3,465,000

**NEW SECTION. Sec. 5167. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Allied Health Care Facility (20062699)

Reappropriation:

State Building Construction Account--State. ....	\$1,020,000
Prior Biennia (Expenditures). ....	\$1,425,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,445,000

**NEW SECTION. Sec. 5168. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College - Employment Resource Center (20062851)

Reappropriation:

State Building Construction Account--State. ....	\$700,000
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Appropriation:

State Building Construction Account--State. ....	\$5,000,000
Prior Biennia (Expenditures). ....	\$1,790,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,490,000



**NEW SECTION. Sec. 5169. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Shoreline Community College - Automotive Building (Phase I) (20062951)

Reappropriation:

State Building Construction Account--State. ....	\$769,000
Prior Biennia (Expenditures). ....	\$231,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5170. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Preservation - Repairs and Minor Improvements (20081001)

Reappropriation:

Community/Technical College Capital Projects Account--State. ....	\$8,000,000
Prior Biennia (Expenditures). ....	\$7,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,000,000

**NEW SECTION. Sec. 5171. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Facility Preservation - Roof Repairs (20081010)

Reappropriation:

Education Construction Account--State. ....	\$2,500,000
State Building Construction Account--State. ....	\$1,000,000
Subtotal Reappropriation. ....	\$3,500,000
Prior Biennia (Expenditures). ....	\$4,176,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$7,676,000

**NEW SECTION. Sec. 5172. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Facility Preservation (20081050)

Reappropriation:

Community/Technical College Capital Projects Account--State. ....	\$13,000,000
Prior Biennia (Expenditures). ....	\$8,243,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$21,243,000

**NEW SECTION. Sec. 5173. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Infrastructure Preservation (20081090)

Reappropriation:

Community/Technical College Capital Projects Account--State. ....	\$924,000
Prior Biennia (Expenditures). ....	\$1,158,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,082,000

**NEW SECTION. Sec. 5174. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Seattle Central Community College: Wood Construction Center (20081216)

Reappropriation:

State Building Construction Account--State. ....	\$2,000,000
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Appropriation:

State Building Construction Account--State. ....	\$24,645,000
Prior Biennia (Expenditures). ....	\$549,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$27,194,000

**NEW SECTION. Sec. 5175. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Columbia Basin College: Vocational Building (20081217)

Reappropriation:	
State Building Construction Account--State. ....	\$1,100,000
Appropriation:	
State Building Construction Account--State. ....	\$20,144,000
Prior Biennia (Expenditures) .....	\$702,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$21,946,000

**NEW SECTION. Sec. 5176. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Peninsula College: Business and Humanities Center (20081218)

Reappropriation:	
State Building Construction Account--State. ....	\$1,200,000
Appropriation:	
State Building Construction Account--State. ....	\$33,627,000
Prior Biennia (Expenditures) .....	\$1,100,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$35,927,000

**NEW SECTION. Sec. 5177. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Falls Community College - Chemistry and Life Science Building (20081219)

Reappropriation:	
State Building Construction Account--State. ....	\$1,200,000
Appropriation:	
State Building Construction Account--State. ....	\$27,800,000
Prior Biennia (Expenditures) .....	\$1,320,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$30,320,000

**NEW SECTION. Sec. 5178. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College - Technical Education Building (20081220)

Reappropriation:	
State Building Construction Account--State. ....	\$1,600,000
Appropriation:	
State Building Construction Account--State. ....	\$30,718,000
Prior Biennia (Expenditures) .....	\$793,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$33,111,000

**NEW SECTION. Sec. 5179. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Everett Community College - Index Hall Replacement (20081221)

Reappropriation:	
State Building Construction Account--State. ....	\$1,150,000
Appropriation:	
State Building Construction Account--State. ....	\$2,301,000
Prior Biennia (Expenditures) .....	\$1,650,000
Future Biennia (Projected Costs) .....	\$40,205,000
TOTAL.....	\$45,306,000

**NEW SECTION. Sec. 5180. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College - Trades and Industry Building (20081222)

Reappropriation:	
State Building Construction Account--State. ....	\$11,000
Appropriation:	
State Building Construction Account--State. ....	\$2,625,000
Prior Biennia (Expenditures). ....	\$127,000
Future Biennia (Projected Costs). ....	\$28,737,000
TOTAL.....	\$31,500,000

**NEW SECTION. Sec. 5181. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Bellingham Technical College - Instructional Resource Center (20081223)

Reappropriation:	
State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5182. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Skagit Valley College - Academic and Student Services Building (20081224)

Reappropriation:	
State Building Construction Account--State. ....	\$35,000
Appropriation:	
State Building Construction Account--State. ....	\$2,116,000
Prior Biennia (Expenditures). ....	\$101,000
Future Biennia (Projected Costs). ....	\$28,949,000
TOTAL.....	\$31,201,000

**NEW SECTION. Sec. 5183. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Lower Columbia College - Health and Science Building (20081225)

Appropriation:	
State Building Construction Account--State. ....	\$2,969,000
Prior Biennia (Expenditures). ....	\$2,500,000
Future Biennia (Projected Costs). ....	\$36,405,000
TOTAL.....	\$41,874,000

**NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Grays Harbor College - Science and Math Building (20081226)

Reappropriation:	
State Building Construction Account--State. ....	\$45,000
Appropriation:	
State Building Construction Account--State. ....	\$3,583,000
Prior Biennia (Expenditures). ....	\$231,000
Future Biennia (Projected Costs). ....	\$40,478,000
TOTAL.....	\$44,337,000

**NEW SECTION. Sec. 5185. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Seattle Central Community College - Edison North Renovation (20081314)

Reappropriation:	
State Building Construction Account--State. ....	\$16,500,000

Prior Biennia (Expenditures) .....	\$1,784,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$18,284,000

**NEW SECTION. Sec. 5186. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College - Business Education Building (20081315)

Reappropriation:

State Building Construction Account--State. ....	\$1,400,000
Prior Biennia (Expenditures) .....	\$3,620,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$5,020,000

**NEW SECTION. Sec. 5187. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Building 22 Renovation (20081316)

Reappropriation:

State Building Construction Account--State. ....	\$9,300,000
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Appropriation:

State Building Construction Account--State. ....	\$10,002,000
Prior Biennia (Expenditures) .....	\$1,059,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$20,361,000

**NEW SECTION. Sec. 5188. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College - Brown Dental Hygiene Building (20081317)

Reappropriation:

State Building Construction Account--State. ....	\$3,500,000
Prior Biennia (Expenditures) .....	\$2,175,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$5,675,000

**NEW SECTION. Sec. 5189. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College - Meadowdale Hall Renovation (20081318)

Reappropriation:

State Building Construction Account--State. ....	\$8,400,000
Prior Biennia (Expenditures) .....	\$856,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$9,256,000

**NEW SECTION. Sec. 5190. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Community College - Building 7 Renovation (20081319)

Reappropriation:

State Building Construction Account--State. ....	\$986,000
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Appropriation:

State Building Construction Account--State. ....	\$9,748,000
Prior Biennia (Expenditures) .....	\$23,000
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$10,757,000

**NEW SECTION. Sec. 5191. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College - Music Building 15 Renovation (20081320)

Reappropriation:

State Building Construction Account--State. ....	\$475,000
Appropriation:	
State Building Construction Account--State. ....	\$13,806,000
Prior Biennia (Expenditures). ....	\$667,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$14,948,000

**NEW SECTION, Sec. 5192. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Fort Steilacoom - Cascade Core (20081321)

Reappropriation:	
State Building Construction Account--State. ....	\$1,200,000
Appropriation:	
State Building Construction Account--State. ....	\$15,000,000
Prior Biennia (Expenditures). ....	\$1,042,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$17,242,000

**NEW SECTION, Sec. 5193. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College - Primary Electrical Replacement (20081506)

Reappropriation:	
State Building Construction Account--State. ....	\$589,000
Prior Biennia (Expenditures). ....	\$1,281,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,870,000

**NEW SECTION, Sec. 5194. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Edmonds Community College - Primary Electrical Replacement (20081508)

Reappropriation:	
State Building Construction Account--State. ....	\$1,662,000
Prior Biennia (Expenditures). ....	\$804,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,466,000

**NEW SECTION, Sec. 5195. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College - L Building Emergency Repairs (20081850)

Reappropriation:	
State Building Construction Account--State. ....	\$1,460,000
Prior Biennia (Expenditures). ....	\$203,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,663,000

**NEW SECTION, Sec. 5196. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Program (20082130)

Reappropriation:	
Community/Technical College Capital Projects Account--State. ....	\$8,000,000
Prior Biennia (Expenditures). ....	\$12,000,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$20,000,000

**NEW SECTION, Sec. 5197. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Shoreline Community College - Automotive Training Center (20082413)

Reappropriation:

State Building Construction Account--State. ....	\$994,000
Prior Biennia (Expenditures). ....	\$6,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5198. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia College - Health and Wellness Education Center (20082414)

Reappropriation:

State Building Construction Account--State. ....	\$5,000
Prior Biennia (Expenditures). ....	\$995,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5199. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls Community College - Magnuson Building Remodel (20082415)

Reappropriation:

State Building Construction Account--State. ....	\$888,000
Prior Biennia (Expenditures). ....	\$53,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$941,000

**NEW SECTION. Sec. 5200. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College - Child Care Facility (20082416)

Reappropriation:

State Building Construction Account--State. ....	\$954,000
Prior Biennia (Expenditures). ....	\$46,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5201. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College - Child and Family Studies Center (20082417)

Reappropriation:

State Building Construction Account--State. ....	\$1,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5202. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College - Early Childhood Education and Child Care Center (20082418)

Reappropriation:

State Building Construction Account--State. ....	\$6,000
Prior Biennia (Expenditures). ....	\$994,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,000,000

**NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Community College - Culinary Arts/Student Development Center (20082419)

Reappropriation:

State Building Construction Account--State. ....	\$975,000
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Prior Biennia (Expenditures) . . . . .	\$25,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,000,000

**NEW SECTION, Sec. 5204. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Tacoma Community College - Health Careers Center (20082701)

Reappropriation:

State Building Construction Account--State. . . . .	\$15,000
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Appropriation:

State Building Construction Account--State. . . . .	\$2,946,000
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Prior Biennia (Expenditures) . . . . .	\$240,000
Future Biennia (Projected Costs) . . . . .	\$35,565,000
TOTAL . . . . .	\$38,766,000

**NEW SECTION, Sec. 5205. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College - Health Science Building (20082702)

Appropriation:

State Building Construction Account--State. . . . .	\$4,350,000
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Prior Biennia (Expenditures) . . . . .	\$144,000
Future Biennia (Projected Costs) . . . . .	\$36,506,000
TOTAL . . . . .	\$41,000,000

**NEW SECTION, Sec. 5206. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College - Mohler Communications Technology Center (20082703)

Reappropriation:

State Building Construction Account--State. . . . .	\$20,000
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Appropriation:

State Building Construction Account--State. . . . .	\$1,755,000
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Prior Biennia (Expenditures) . . . . .	\$153,000
Future Biennia (Projected Costs) . . . . .	\$23,398,000
TOTAL . . . . .	\$25,326,000

**NEW SECTION, Sec. 5207. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College - Social Science Center (20082704)

Reappropriation:

State Building Construction Account--State. . . . .	\$25,000
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Prior Biennia (Expenditures) . . . . .	\$86,000
Future Biennia (Projected Costs) . . . . .	\$14,041,000
TOTAL . . . . .	\$14,152,000

**NEW SECTION, Sec. 5208. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College - Health and Advanced Technologies Building (20082705)

Reappropriation:

State Building Construction Account--State. . . . .	\$14,000
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Appropriation:

State Building Construction Account--State. . . . .	\$2,506,000
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Prior Biennia (Expenditures) . . . . .	\$236,000
Future Biennia (Projected Costs) . . . . .	\$33,598,000
TOTAL . . . . .	\$36,354,000

**NEW SECTION, Sec. 5209. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Higher Education Cost Escalation (20082850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the state board for community and technical colleges to assist public community and technical colleges to manage unanticipated cost escalation for projects bid during the 2007-09 biennium. Not more than \$750,000 shall be made available to any single project and amounts provided for this purpose must be matched equally from other resources. The state board for community and technical colleges shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than was originally specified in the design. Prior to the office of financial management approving use of a minor works appropriation as a match, and its transfer to the project with unanticipated cost escalation, the state board for community and technical colleges shall require the college to describe what it has done to identify and develop alternative resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The state board for community and technical colleges will report to the office of financial management and the appropriate fiscal committees of the legislature on the use of these funds.

Reappropriation:

State Building Construction Account--State. ....	\$1,641,000
Prior Biennia (Expenditures). ....	\$597,000
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,238,000

**NEW SECTION. Sec. 5210. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Roof Repairs "A" (30000010)

Appropriation:

State Building Construction Account--State. ....	\$8,493,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$24,000,000
TOTAL.....	\$32,493,000

**NEW SECTION. Sec. 5211. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Site Repairs "A" (30000036)

Appropriation:

Community/Technical College Capital Projects Account--State. ....	\$2,710,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$16,000,000
TOTAL.....	\$18,710,000

**NEW SECTION. Sec. 5212. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Facility Repairs "A" (30000048)

Appropriation:

State Building Construction Account--State. ....	\$16,728,000
Community/Technical College Capital Projects Account--State. ....	\$1,807,000
Subtotal Appropriation.....	\$18,535,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$80,000,000
TOTAL.....	\$98,535,000

**NEW SECTION. Sec. 5213. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Program (30000078)

Appropriation:

State Building Construction Account--State. ....	\$3,858,000
Community/Technical College Capital Projects Account--State. ....	\$9,714,000
Subtotal Appropriation.....	\$13,572,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$80,000,000
TOTAL.....	\$93,572,000



**NEW SECTION. Sec. 5214. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College - College and City Library (30000113)

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 5215. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Olympic College - Sophia Bremer Child Development Center (30000115)

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 5216. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Wenatchee Valley College - Music and Arts Center (30000119)

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**NEW SECTION. Sec. 5217. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Seattle Central Community College - Seattle Maritime Academy (30000120)

Appropriation:

State Building Construction Account--State. ....	\$2,839,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$15,483,000
TOTAL.....	\$18,322,000

**NEW SECTION. Sec. 5218. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Yakima Valley Community College - Palmer Martin Building (30000121)

Appropriation:

State Building Construction Account--State. ....	\$1,464,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$13,509,000
TOTAL.....	\$14,973,000

**NEW SECTION. Sec. 5219. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 North Seattle Community College - Technology Building Renewal (30000129)

Appropriation:

State Building Construction Account--State. ....	\$2,976,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$22,337,000
TOTAL.....	\$25,313,000

**NEW SECTION. Sec. 5220. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Green River Community College - Science Math and Technology Building (30000130)

Appropriation:

State Building Construction Account--State. ....	\$1,700,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$15,545,000
TOTAL.....	\$17,245,000

**NEW SECTION. Sec. 5221. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College - Infrastructure (30000190)

Appropriation:

State Building Construction Account--State. ....	\$2,061,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,061,000

**NEW SECTION. Sec. 5222. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Seattle Central Community College: Culinary Kitchen Modernization (91000009)

Appropriation:

State Building Construction Account--State. ....	\$378,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$378,000

**NEW SECTION. Sec. 5223. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Preservation (30000210)

Appropriation:

State Building Construction Account--State. ....	\$15,116,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$15,116,000

**NEW SECTION. Sec. 5224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Community and Technical Colleges Capital Projects Account--State. ....	\$22,800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$91,208,000
TOTAL.....	\$114,008,000

**NEW SECTION. Sec. 5225. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State. ....	\$1
Gardner-Evans Higher Education Construction Account--State. ....	\$1
Subtotal Appropriation.....	\$2
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2

**NEW SECTION. Sec. 5226. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tri-Cities STEM School (91000004)

Appropriation:

State Building Construction Account--State. ....	\$800,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$800,000

**NEW SECTION. Sec. 5227. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Walla Walla Community College Water and Environment Center (91000007)

Appropriation:

State Building Construction Account--State. ....	\$1,750,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$1,750,000

**NEW SECTION. Sec. 5228. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellingham Technical College - Fisheries Program (30000117)

Appropriation:

State Building Construction Account--State. ....	\$2,000,000
Prior Biennia (Expenditures). ....	\$0
Future Biennia (Projected Costs). ....	\$0
TOTAL.....	\$2,000,000

**PART 6**  
**MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS**

**NEW SECTION. Sec. 6001.** (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

**NEW SECTION. Sec. 6002.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 6003.** (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of

financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

**NEW SECTION. Sec. 6004.** (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 6005.** (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

**NEW SECTION. Sec. 6006.** State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

**NEW SECTION. Sec. 6007.** The department of general administration shall not charge the facility depreciation component of lease charges for nonprofit tenants in the building adjoining Capitol Way and 11th avenue during the 2009-2011 biennium.

**NEW SECTION. Sec. 6008.** Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

**NEW SECTION. Sec. 6009. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and

any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of corrections: Enter into a financing contract for up to \$17,958,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or build work release beds, violator beds, or other community-based re-entry facilities.

(2) Community and technical colleges:

(a) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(b) Enter into a financing contract on behalf of Bellingham Technical College for up to \$1,390,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center.

(c) Enter into a financing contract on behalf of Bellingham Technical College for up to \$28,968,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

(d) Enter into a financing contract on behalf of Edmonds Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide space for allied health and construction industry.

(e) Contingent upon the sale and purchase specified in section 5071 of this act, enter into a financing contract on behalf of Spokane Community College for up to \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the Riverpoint One building.

(f) Enter into a financing contract on behalf of North Seattle Community College for up to \$8,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an employment resource center.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$25,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a student fitness and health center.

(h) Enter into a financing contract on behalf of Wenatchee Valley Community College for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a music and art center.

(i) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 40,000 square foot addition to Green River Kent station.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the water and environment center.

(k) Enter into a financing contract pursuant to chapter 39.94 RCW on behalf of Green River Community College for up to \$26,532,000 plus financing expenses and required reserves to construct a new classrooms facility as specified in project 20061205. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

(3) Parks and recreation commission: Enter into a financing contract for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Mount Spokane lodge. The parks and recreation commission shall use energy savings performance contracting if practicable. The lodge shall be operated by a private concessionaire under a contract with the parks and recreation commission that is a qualified management contract under the applicable internal revenue service guidelines.

(4) Department of general administration: Enter into a financing contract for up to \$27,144,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

(5) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

**NEW SECTION. Sec. 6010. PUGET SOUND PROTECTION AND RESTORATION.** Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that projects and expenditures are either in, or consistent with the 2020 action agenda. These consultations shall include the exchange of information on specific actions, projects, associated funding, performance measures, and other information necessary to track project implementation and ensure alignment with the action agenda. In situations where the Puget Sound partnership finds that a project is not in, or is not consistent with the action agenda Puget Sound partnership shall document this finding and report back to the governor and legislative fiscal committees.

**NEW SECTION. Sec. 6011. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.** (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts

commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2009-2011 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

**NEW SECTION. Sec. 6012.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2011-2013 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

**NEW SECTION. Sec. 6013.** (1) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2009, from the 2007-2009 biennial appropriations for each project.

(2) "Reappropriations" in sections 5126, 5130, and 5131 of this act shall be reduced in this act to the unexpended balance remaining as of the end of fiscal year 2009 for the 2007-09 biennial appropriations in sections 1085, 1086, and 5145, chapter 520, Laws of 2007.

**NEW SECTION. Sec. 6014.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 6015.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

**NEW SECTION. Sec. 6016.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 6017. NONTAXABLE AND TAXABLE BOND PROCEEDS.** Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter . . . , Laws of 2009 for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary.

**NEW SECTION. Sec. 6018.** The office of financial management, in consultation with the fiscal committees of the legislature, may select capital projects that have completed predesign to undergo a budget evaluation study. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the studies. The office of financial management shall select the budget evaluation team members, contract for the study, and report the results to the legislature and agencies in a timely manner following the study. Funds from the project appropriation must be used by the office of financial management through an interagency agreement with the affected agencies to cover the cost of the study.

**Sec. 6019.** RCW 28B.15.210 and 1985 c 390 s 20 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5).

During the 2009-2011 biennium, sums credited to the University of Washington building account shall also be used for routine facility maintenance and utility costs.

**Sec. 6020.** RCW 28B.15.310 and 1985 c 390 s 22 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid into the state treasury and credited to the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, except for any sums transferred as authorized by law. During the 2009-2011 biennium, sums credited to the Washington State University building account shall also be used for routine facility maintenance and utility costs. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

**Sec. 6021.** RCW 28B.35.370 and 1991 sp.s. c 13 s 49 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used exclusively to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. During the 2009- 2011 biennium, sums in the respective capital accounts shall also be used for routine facility maintenance and utility costs.

**Sec. 6022.** RCW 28B.50.360 and 2005 c 488 s 922 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. During the 2009-2011 biennium, sums in the capital projects account shall also be used for routine facility maintenance and utility costs.

**Sec. 6023.** RCW 43.63A.125 and 2008 c 327 s 15 are each amended to read as follows:

(1) The department shall establish the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, ~~((and))~~ evaluate, and rank applications for the building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from nonprofit organizations.

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. To be considered qualified, applicants must demonstrate that the proposed project:

(i) Will increase the range, efficiency, or quality of the services provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer three or more distinct activities that meet a single community service objective or a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c) The evaluation process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project, except, under exceptional circumstances, the department may reduce the amount of nonstate match required. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(d) The department may not set a monetary limit to funding requests.

(e) No more than ten percent of the total granted amount may be awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For purposes of this subsection, exceptional circumstances include but are not limited to: Natural disasters affecting projects; emergencies beyond an applicant's control, such as a fire or an unanticipated loss of a lease where services are currently provided; a delay that could result in a threat to public health or safety; or instances where a local community could quantifiably demonstrate that they had exhausted all possible fund-raising efforts.

(3) The department shall submit ~~((annually))~~ biennially to the governor and the legislature in the department's capital budget request ~~((an unranked))~~ a ranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the ~~((annual))~~ biennial list shall be determined by the capital budget beginning with the 2009- 2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to three million dollars may be used for technical assistance grants. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of ranked qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 6024.** RCW 79.17.010 and 2008 c 328 s 6012 are each amended to read as follows:

(1) The department, with the approval of the board, may exchange any state land and any timber thereon for any land of equal value in order to:

(a) Facilitate the marketing of forest products of state lands;

(b) Consolidate and block-up state lands;

(c) Acquire lands having commercial recreational leasing potential;

(d) Acquire county-owned lands;

(e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.19.100; or



(f) Acquire any other lands when such exchange is determined by the board to be in the best interest of the trust for which the state land is held.

(2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

(3) The board shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, (~~2009~~) 2011, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(5) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

**Sec. 6025.** RCW 79.17.020 and 2008 c 328 s 6013 are each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forest land owned by the state under the jurisdiction of the department, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

(2) During the biennium ending June 30, (~~2009~~) 2011, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(3) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues, and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

**Sec. 6026.** RCW 43.99N.060 and 2008 c 328 s 6017 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the

account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. (~~For the 2005-2007 biennium, moneys in the account may also be used for a recreation level of service study for local and regional active recreation facilities.~~) Only the director of the recreation and conservation office or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. In the (~~2007-2009~~) 2009-2011 biennium, if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account. The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

**NEW SECTION. Sec. 6027. FOR FUTURE DEVELOPMENT OF FOUR-YEAR HIGHER EDUCATION CAMPUS**

It is the intent of the legislature that the next location for a new campus or branch campus of a four-year state institution of higher education will be in Snohomish county.

**Sec. 6028.** 2008 c 328 s 6001 (uncodified) is amended to read as follows:

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$3,347,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 72 bed student housing facility.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase property adjacent the main campus.

(6) ~~The~~ Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed fair market value. A purchase agreement with the owner of the unit on the effective

date of this section shall include the following requirements: (a) Upon completion of the purchase of the property, the seller shall retain \$5,750,000 of the sale proceeds in a restricted investment account, reserving such funds for capital costs associated with development of its principal heritage center to be located within the city of Seattle. Principal and accrued earnings in such an account shall be available for expenditure by the seller when the seller or the city of Seattle has executed a construction contract for either a new facility or improvements to an existing structure to serve as the principal heritage center to be operated by the seller within the city; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2017, the entire amount in the restricted account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of information services: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state ~~((general))~~ data center and an office building ~~((and facilities))~~ for the department of information services and other state agency tenants, as determined by the office of financial management, on the state-owned property called "the Wheeler block" in Olympia. The office building~~((s))~~ shall be constructed and financed so that agencies occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable ~~((general))~~ office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet ~~((adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the consolidation of state patrol offices and general office facilities for small agencies and offices. The department of information services shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, telecommunications, and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, support services, and spaces. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (8) have been met)).~~ Such comparable leases shall be for typical office space with typical office tenant improvements adjusted for known escalation clauses, expected inflation, nontypical tenant improvements or code requirements, leadership in energy and environmental design requirements, nontypical on and off site requirements, infrastructure upgrades, market conditions and differences in the level of service provided by the comparable leases as determined by the department in consultation with the office of financial management. The department of information services shall design and operate the facilities. Should the department of information services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. ((In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.)) The department, in consultation with the office of financial management, shall submit an implementation plan to the fiscal committees of the legislature by December 15, 2009 identifying a schedule of consolidation of agency data centers to achieve cost savings to offset higher facility costs resulting from the construction of the new consolidated data center.

(9) Office of the secretary of state: Enter into a financing contract for up to \$134,935,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter 523, Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration:

(a) Enter into a financing contract for up to \$79,981,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter 523, Laws of 2007 is enacted by June 30, 2007.

(b) Enter into a financing contract for up to \$17,144,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

(c) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the "Perry street child care site" renovations and purchase.

(d) Enter into a financing contract for up to \$2,685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition in Olympia, Washington.

(11) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

**Sec. 6029.** 2007 c 520 s 2020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Facilities Assessment and Cultural Resources Planning ~~((06-1-120))~~ (20061120)

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State. . . . . ~~(\$300,000)~~  
\$150,000

Appropriation:

State Building Construction Account--State. . . . . \$150,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$300,000

**Sec. 6030.** 2007 c 520 s 2023 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
 Emergency Repairs (~~((08-1-101))~~) (20081101)

Appropriation:

State Building Construction Account--State. . . . . \$100,000

Charitable, Educational, Penal, and Reformatory  
 Institutions Account--State. . . . . ~~(\$933,000)~~  
\$833,000

State Social and Health Services Construction Account--State. . . . . \$67,000  
 Subtotal Appropriation. . . . . \$1,000,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$4,000,000  
 TOTAL. . . . . \$5,000,000

**Sec. 6031.** 2007 c 520 s 2046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Building 10 Assisted Living Upgrades (~~((08-2-005))~~) (20082005)

Appropriation:

~~((Charitable, Educational, Penal, and Reformatory~~  
~~Institutions Account--State. . . . . \$1,242,000))~~  
 State Building Construction Account--State. . . . . ~~(\$571,000)~~  
\$1,813,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL. . . . . \$1,813,000

**Sec. 6032.** 2007 c 520 s 2085 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Infrastructure Preservation (~~((08-1-018))~~) (20081018)

Appropriation:

State Building Construction Account--State. . . . . ~~(\$1,000,000)~~  
\$1,441,000

Charitable, Educational, Penal, and Reformatory  
 Institutions Account--State. . . . . ~~(\$1,000,000)~~  
\$559,000

Subtotal Appropriation. . . . . \$2,000,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$8,000,000  
 TOTAL. . . . . \$10,000,000

**Sec. 6033.** 2007 c 520 s 2083 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works - Facility Preservation (~~((08-1-024))~~) (20081024)

Appropriation:

State Building Construction Account--State. . . . . \$469,000

Charitable, Educational, Penal, and Reformatory

Institutions Account--State.....	(( <del>\$3,000,000</del> ))
	<u>\$2,531,000</u>
<u>Subtotal Appropriation.....</u>	<u>\$3,000,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,000,000
TOTAL.....	\$15,000,000

**Sec. 6034.** 2007 c 520 s 2084 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Health, Safety, and Code Requirements (~~((08-1-031)))~~ (20081031)

Appropriation:

<u>State Building Construction Account--State.....</u>	<u>\$1,391,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State.....	(( <del>\$3,000,000</del> ))
	<u>\$1,609,000</u>
<u>Subtotal Appropriation.....</u>	<u>\$3,000,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$12,000,000
TOTAL.....	\$15,000,000

**Sec. 6035.** 2008 c 328 s 1004 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (~~((07-4-005)))~~ (20074005)

The appropriations in this section (~~((ts))~~) are subject to the following conditions and limitations:

- (1) Up to \$10,000,000 of the appropriations (~~((ts))~~) are for the public works board, in consultation with the house of representatives capital budget committee, the senate ways and means committee, and the office of financial management, to implement an infrastructure interest rate buy-down pilot program. The purpose of the program is to demonstrate options for the most efficient use of the state's investment in local infrastructure by funding more projects at an accelerated rate.
- (2) The pilot program must provide grants to local governments to offset the difference in interest rates between one-half of one percent, as offered by the public works board, and the interest rate the local government receives on issuance of their own debt.
- (3) The pilot program must include the following projects:
  - (a) Those with high scores from the list of projects that were not funded, as identified in the public works board 2008 legislative report;
  - (b) Projects located in economically distressed areas or that may be significantly impacted by a possible upcoming recession; and
  - (c) Projects located in jurisdictions that have unused debt capacity and are willing and able to acquire additional debt to finance the proposed infrastructure project.

Appropriation:

Public Works Assistance Account--State.....	(( <del>\$327,000,000</del> ))
	<u>\$232,000,000</u>
<u>State Taxable Building Construction Account--State.....</u>	<u>\$95,000,000</u>
<u>Subtotal Appropriation.....</u>	<u>\$327,000,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$1,400,000,000
TOTAL.....	\$1,727,000,000

**Sec. 6036.** 2007 c 520 s 3026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Local Toxics Grants for Cleanup and Prevention (~~((06-4-008)))~~ (20064008)

Reappropriation:

Local Toxics Control Account--State.....	(( <del>\$56,470,000</del> ))
	<u>\$35,233,000</u>

Appropriation:

<u>State Building Construction Account--State.....</u>	<u>\$21,237,000</u>
Prior Biennia (Expenditures).....	\$42,430,000

Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$98,900,000

Sec. 6037. 2007 c 520 s 3042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
 Storm Water Projects (~~((08-2-003))~~) (20082003)

Appropriation:

State Building Construction Account--State .....	\$1,792,000
State Toxics Control Account--State .....	<del>(\$3,000,000)</del>
	<u>\$1,208,000</u>
Subtotal Appropriation.....	<u>\$3,000,000</u>

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL.....	\$3,000,000

Sec. 6038. 2008 c 328 s 3003 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
 Centennial Clean Water Program (~~((08-4-010))~~) (20084010)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$10,000,000 of the state building construction account-- state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- (3) \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.
- (4) \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.
- (5)(a) \$4,400,000 of the state building construction account--state appropriation is provided solely for the Tenino waste water treatment facility and collection system to replace the city of Tenino's septic systems.
- (b) \$22,113,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project	Amount
City of Carnation waste water treatment system	\$3,000,000
Mansfield waste water treatment upgrade	\$960,000
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	\$5,425,000
Freeland sewer district	\$1,000,000
Clark county regional sewer cooperative	\$4,000,000
Town of Warden waste water	\$3,000,000
Gig Harbor waste water system improvements	\$1,000,000
Ritzville waste water treatment system	\$1,608,000
Sultan waste water system improvements	\$500,000

(c) The appropriation for entities that are listed in (b) of this subsection shall not affect the entities' eligibility for centennial fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

(d) The appropriation to the city of Carnation is for payment to King county for the county connection charge and other eligible costs.

Appropriation:

State Building Construction Account--State .....	<del>(\$42,629,000)</del>
	<u>\$58,427,000</u>
Water Quality Capital Account--State .....	\$5,417,000
State Toxics Control Account--State .....	<del>(\$18,837,000)</del>
	<u>\$3,039,000</u>
Subtotal Appropriation.....	\$66,883,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$178,400,000
TOTAL . . . . .	\$245,283,000

**Sec. 6039.** 2007 c 520 s 3022 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (~~((06-4-007))~~) (20064007)

Reappropriation:

State Building Construction Account--State. . . . .	\$5,900,000
Water Quality Capital Account--State. . . . .	\$8,500,000
State Toxics Control Account--State. . . . .	<del>(\$10,000,000)</del>
	<u>\$8,700,000</u>
Subtotal Reappropriation. . . . .	<del>(\$24,400,000)</del>
	<u>\$23,100,000</u>

Appropriation:

<u>State Building Construction Account--State. . . . .</u>	<u>\$1,300,000</u>
Prior Biennia (Expenditures) . . . . .	\$32,024,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$56,424,000

**Sec. 6040.** 2007 c 520 s 3041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Puget Sound Storm Water Projects (~~((08-2-002))~~) (20082002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for grants to local governments within Puget Sound for municipal storm water projects, including but not limited to, retrofit of existing storm water projects in urban areas where storm water is a significant source of contamination, identification and removal of nonstorm water discharges into municipal storm sewer systems, and local innovative storm water projects that implement low-impact development. The department shall provide the Puget Sound partnership, as created by chapter . . . (Engrossed Substitute Senate Bill No. 5372), Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Building Construction Account--State. . . . .	<del>(\$12,920,000)</del>
	<u>\$17,482,000</u>
Local Toxics Control Account--State. . . . .	<del>(\$5,000,000)</del>
	<u>\$438,000</u>
Subtotal Appropriation. . . . .	\$17,920,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$56,680,000
TOTAL . . . . .	\$74,600,000

**Sec. 6041.** 2008 c 328 s 3006 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxic Sites in Puget Sound (~~((08-4-005))~~) (20084005)

The appropriations in this section (~~((is))~~ are) are subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

<u>State Building Construction Account--State. . . . .</u>	<u>\$5,431,000</u>
State Toxics Control Account--State. . . . .	<del>(\$6,767,000)</del>
	<u>\$1,336,000</u>
Subtotal Appropriation. . . . .	<u>\$6,767,000</u>

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$18,820,000
TOTAL . . . . .	\$25,587,000

**Sec. 6042.** 2008 c 328 s 3008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
 Remedial Action Grants (~~((08-4-008))~~) (20084008)

Appropriation:

<u>State Building Construction Account--State</u> . . . . .	\$54,000,000
Local Toxics Control Account--State . . . . .	<del>((92,875,000))</del>
	\$38,875,000
<u>Subtotal Appropriation</u> . . . . .	\$92,875,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$180,000,000
TOTAL . . . . .	\$272,875,000

**Sec. 6043.** 2008 c 328 s 3010 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
 Skykomish Cleanup (~~((08-4-020))~~) (20084020)

The appropriations in this section (~~(is)~~ are) are subject to the following conditions and limitations: \$3,000,000 of the cleanup settlement account appropriation is provided solely for implementation of chapter 106 (Senate Bill No. 6722 (cleanup settlement account)), Laws of 2008. If the bill is not enacted by June 30, 2008, the amounts provided in this section shall lapse.

Appropriation:

<u>State Building Construction Account--State</u> . . . . .	\$3,000,000
State Toxics Control Account--State . . . . .	<del>((7,000,000))</del>
	\$4,000,000
Clean Up Settlement Account--State . . . . .	\$3,000,000
<u>Subtotal Appropriation</u> . . . . .	\$10,000,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,050,000
TOTAL . . . . .	\$12,050,000

**Sec. 6044.** 2007 c 520 s 3135 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**  
 Aquatic Lands Enhancement Account (~~((08-4-005))~~) (20084005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.
- (2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Appropriation:

<u>State Building Construction Account--State</u> . . . . .	\$3,326,000
Aquatic Lands Enhancement Account--State . . . . .	<del>((5,025,000))</del>
	\$1,699,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,100,000
TOTAL . . . . .	\$25,125,000

**Sec. 6045.** 2007 c 520 s 5137 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Grants (07-4-004)



The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Recommended</b>
Cascade land conservancy	\$202,000
Suquamish museum and arts center	\$1,000,000
Moses Lake museum and arts center	\$1,000,000
White River Valley museum	\$245,000
The Tulalip tribe	\$1,000,000
City of Mukilteo	\$490,000
Lewis county historical museum	\$43,000
<del>((Pacific county historical society</del>	<del>\$186,000))</del>
City of Gig Harbor	\$1,000,000
Bainbridge Island metro parks and recreation	\$70,000
Polson museum	\$171,000
Washington trust for historic preservation	\$83,000
Historic Seattle PDA	\$500,000
City of Tacoma	\$77,000
City of Des Moines	\$1,000,000
Fort Walla Walla museum	<del>(\$859,000)</del>
	<u>\$1,000,000</u>
Foss waterway seaport	\$300,000
LaConner quilt museum	\$125,000
Cowlitz River Valley historical society	\$158,000
Western forest industries museum	\$158,000
San Juan historical society	\$25,000
Central Washington fair association	\$48,000
Urban league of metro Seattle	\$650,000
The center for wooden boats	\$235,000
Jefferson county historical society	\$200,000
Mansfield museum	\$10,000
Martin Luther King Ballet	\$50,000
The northwest railway museum	\$75,000
Northpoint cooperative preschool	\$40,000
Total	<del>(\$10,000,000)</del>
	<u>\$9,955,000</u>
 Appropriation:	
State Building Construction Account--State. ....	<del>(\$10,000,000)</del>
	<u>\$9,955,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$40,000,000
TOTAL . . . . .	<del>(\$50,000,000)</del>
	<u>\$49,955,000</u>

**NEW SECTION. Sec. 6046.** PUGET SOUND PROTECTION AND RESTORATION. Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that projects and expenditures are either in, or consistent with the 2020 action agenda. These consultations shall include the exchange of information on specific actions, projects, associated funding, performance measures, and other information necessary to track project implementation and ensure alignment with the action agenda. In situations in which the Puget Sound partnership finds that a project is not in, or is not consistent with, the action agenda, the Puget Sound partnership shall document this finding and report back to the governor and legislative fiscal committees.

**NEW SECTION. Sec. 6047.** Section 6002 of this act expires June 30, 2011.

**NEW SECTION. Sec. 6048.** Sections 6022 and 6023 of this act expire June 30, 2011.

**NEW SECTION.** Sec. 6049. 2007 c 520 s 6006 (uncodified) is repealed.

**NEW SECTION.** Sec. 6050. Part headings and captions in this act are not any part of the law.

**NEW SECTION.** Sec. 6051. 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. 6052. 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, except for sections 6020, 6021, and 6024 through 6028 of this act which take effect July 1, 2009.

Correct the title.

Representative Dunshee moved the adoption of amendment (922) to amendment (905):

On page 3, line 18, after "construction." insert the following: "(3) \$1,394,107 of the remaining reappropriation for MOBIUS/inland northwest science and technology center may be used for design and construction."

On page 30, after line 29, insert "Clark County Food Distribution Facility \$1,500,000"

On page 31, line 19, increase the appropriation by \$950,000

On page 31, line 22, increase the total by \$950,000

On page 33, line 4, strike "\$40,803,000" and insert "\$22,597,000"

On page 51, on line 6, after "(1)" strike all material through "convention center." on line 9, and insert the following: "The appropriation is provided solely to the state convention and trade center corporation, after July 1, 2010, for the convention place station expansion including the planning, environmental studies, design, preparation of construction plans and specifications, exploration of potential co-development, bidding and contingent construction contracting, and other activities for the expansion."

On page 71, line 21, strike "Reappropriation" and insert "Appropriation"

On page 90, line 4, after "limitations:" strike "The" and insert "For the 2011 funding cycle, the"

On page 104, beginning on line 14, strike everything through the end of line 22

On page 129, line 9, after "acquire property" strike "that is adjacent to the existing property"

On page 158, line 18, strike "\$800,000" and insert "\$1,700,000" and adjust the totals accordingly

On page 166, line 8, reduce the appropriation by \$1,500,000

On page 166, line 11, reduce the subtotal by \$1,500,000

On page 166, line 14, reduce the total by \$1,500,000

On page 255, line 18, after "through" strike "6028" and insert "6027"

Representatives Dunshee and Warnick spoke in favor of the adoption of the amendment to amendment (905).

Amendment (922) to amendment (905) was adopted.

Representative Warnick moved the adoption of amendment (924) to amendment (905):

On page 32, beginning on 1, insert the following:

**"NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Public Works Trust Fund (90000015)**

Appropriation:

Public Works Assistance Account--State . . . . . \$378,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$378,000,000"

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Warnick and McCune spoke in favor of the adoption of the amendment to amendment (905).

Representative Ormsby spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (924) to amendment (905) to Substitute House Bill No. 1216.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (924) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 35; Nays, 61; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (924) to amendment (905) was not adopted.

Representative Hinkle moved the adoption of amendment (929) to amendment (905):

On page 35, after line 1 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Enhanced 911 Capital Costs**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the capital costs associated with House Bill 2351 (enhanced 911 emergency communication systems). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

Appropriation:

State Building Construction Account--State . . . . . \$25,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
Total . . . . . \$25,000,000"

Renumber the sections consecutively and correct any internal references accordingly.

On page 120, beginning on line 31, after "No." strike all material through "270,000,000" on page 121, line 4, and insert the following:

"2009-1b, developed April 24, 2009.

Riparian Protection Account--State. . . . .	\$2,000,000
Habitat Conservation Account--State. . . . .	\$20,500,000
Outdoor Recreation Account--State. . . . .	\$20,500,000
Farmlands Preservation Account--State. . . . .	\$2,000,000
Subtotal Appropriation. . . . .	\$45,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$200,000,000
TOTAL. . . . .	\$245,000,000"

Representatives Hinkle, Orcutt, Hope, Hinkle (again), Klippert, Anderson, Shea, Rodne, Taylor, DeBolt, Parker, Hope (again), Ericksen, Shea (again), Klippert (again) and McCune spoke in favor of the adoption of the amendment to amendment (905).

Representatives Ericks, Hudgins, Carlyle, Upthegrove, Nelson, Dunshee, White, Van De Wege, McCoy, Dunshee (again), Liias and Rolfes spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (929) to amendment (905) to Substitute House Bill No. 1216.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (929) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (929) to amendment (905) was not adopted.

Representative Chase moved the adoption of amendment (911) to amendment (905):

On page 62, starting on line 17, strike all of section 2031  
 Renumber the sections consecutively and correct any internal references accordingly.

Representatives Chase, Warnick and Johnson spoke in favor of the adoption of the amendment to amendment (905).

Representative Seaquist spoke against the adoption of the amendment to amendment (905).

Amendment (911) to amendment (905) was not adopted.

Representative Anderson moved the adoption of amendment (918) to amendment (905):

On page 142, beginning on line 1 of the striking amendment, strike all of section 3203

Renumber the sections consecutively and correct any internal references accordingly.

On page 157, after line 16, insert the following:

**"NEW SECTION. Sec. 5022. FOR THE HIGHER EDUCATION COORDINATION BOARD**

Higher Education Enrollment Pool (91000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$49,976,500 of the appropriation in fiscal year 2010 and \$49,976,500 of the appropriation in fiscal year 2011 are provided solely for the higher education coordinating board to develop and implement a competitive high demand enrollment grant process. The board will manage a competitive process to award at least 8,250 FTE student enrollments in high-demand fields at a state budgeted rate of \$11,000 per FTE. Public four year institutions are eligible to apply for high demand enrollments. Selected programs shall demonstrate need as outlined by the higher education master plan. Specifically, selected proposals shall:

- (a) Meet an identified industry skill gap shortage within the state;
- (b) Demonstrate need for increased capacity in the state;
- (c) Address strategies to directly link students to industry partners during the academic program;
- (d) Demonstrate that program graduates will have the opportunity to fill high wage job openings;
- (e) Describe the institution of higher education's effort to create career pathways for students;
- (f) Provide evidence of optimizing state resources; and
- (g) Use innovation to deliver a relevant, quality program to the student.

(2) Priority will be given to programs that involve cross-crediting between departments.

(3) Selected programs will receive ninety percent of the enrollment funding upon selection and the remaining ten percent upon successful completion of the program by the student.

(4) Of the amount appropriated in this section, \$180,000 is provided to the board for administration and oversight of the grant process."

Renumber the sections consecutively and correct any internal references accordingly.

Representative Anderson spoke in favor of the adoption of the amendment to amendment (905).

Representative Dunshee spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (918) to amendment (905) to Substitute House Bill No. 1216.

**ROLL CALL**

The Clerk called the roll on the adoption of the adoption of amendment (918) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 31; Nays, 65; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Bailey, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (918) to amendment (905) was not adopted.

Representative Ross moved the adoption of amendment (923) to amendment (905):

On page 218, after line 11, insert the following:

**"NEW SECTION. Sec. 6002.** The state treasurer shall not execute transfers from the following accounts during the 2009-11 biennium: Aquatic Lands Enhancement Account; Charitable, Educational, Penal, and Reformatory Institutions Account; Education Savings Account; Energy Freedom Account; Local Toxics Control Account; Public Works Assistance Account; State Toxics Control Account; and the Thurston County Capital Facilities Account."

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Ross and Orcutt spoke in favor of the adoption of the amendment to amendment (905).

Representative Ormsby spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (923) to amendment (905) to Substitute House Bill No. 1216.

**ROLL CALL**

The Clerk called the roll on the adoption of the adoption of amendment (923) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 35; Nays, 61; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach,

Rodne, Ross, Santos, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (929) to amendment (905) was not adopted.

The question before the House was the adoption of amendment (905) as amended.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 63 – YEAS; 33 – NAYS.

Amendment (905) as amended was adopted. The bill was ordered engrossed.

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

Representatives Dunshee, Maxwell and White spoke in favor of the passage of the bill.

Representatives Warnick, Pearson, Orcutt and Smith spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1216.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1216 and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Dunshee thanked the OPR staff of the Capital Budget Committee and asked the Chamber to acknowledge their hard work.

**POINT OF PERSONAL PRIVILEGE**

Representative Warnick reiterated the comments of the good gentleman from the 44th District and joined the Chamber in thanking the Capital Budget staff.

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

There being no objection, the House adjourned until 9:00 a.m., April 25, 2009, the 104th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk