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SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDRED FOURTH DAY

House Chamber, Olympia, Saturday, April 25, 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, Dave Mangino and Albert H. Thompson IV. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Larry Haler.

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

MESSAGES FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2339, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 24, 2009

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, and passed the bills as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

CONFERENCE COMMITTEE REPORT

ESSB 5352

April 24, 2009

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, making 2009-11 transportation appropriations, have had the same under consideration and we recommend that all previous amendments not be adopted, the attached amendment (H-3424.5/09) be adopted and that (H-3424.5/09) be further amended as follows:

On page 39, line 23, after "subsection" insert "from the state route number 520 corridor account—state appropriation"

On page 65, line 9, strike "Motor Vehicle" and insert "Highway Safety"

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"2009-11 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.

(2) Unless the context clearly requires otherwise, the definitions in this subsection 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 that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation. \$422,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation. \$705,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation. \$3,389,000

Puget Sound Ferry Operations Account--State Appropriation. \$100,000

TOTAL APPROPRIATION. \$3,489,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

NEW SECTION. Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation. \$446,000

NEW SECTION. Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation. \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation. \$1,507,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation. \$502,000

NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

- (a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;
- (b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and
- (c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

(3) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall conduct an analysis of the cost of credit card payment options at the department of transportation. For programs where a credit card payment option is offered, the review must include:

- (a) An analysis of the direct and indirect cost per transaction to process customer payments using credit cards;
- (b) An analysis of the direct and indirect cost per transaction for other methods of processing customer payments;
- (c) An analysis of the historical and projected total aggregate costs for processing all forms of customer payments;
- (d) Identification of whether there are customer service, administrative, and revenue collection benefits resulting from credit card usage;

and

- (e) A review of the use of credit card payment options in other state agencies and in similar transportation programs at other states.

The committee shall provide a report on its findings and any related recommendations to the legislature by January 2010.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation.	\$2,542,000
Highway Safety Account--Federal Appropriation.	\$16,540,000
School Zone Safety Account--State Appropriation.	\$3,340,000
Highway Safety Account--Local Appropriation.	\$50,000
TOTAL APPROPRIATION.	\$22,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,670,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011. The legislature anticipates that an additional \$1,830,000 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over two hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

- (a) The commission shall comply with RCW 46.63.170 in administering the projects.
- (b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.
- (c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation.	\$920,000
Motor Vehicle Account--State Appropriation.	\$2,129,000
County Arterial Preservation Account--State Appropriation.	\$1,423,000
TOTAL APPROPRIATION.	\$4,472,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation.....	\$1,824,000
Transportation Improvement Account--State Appropriation.....	\$1,827,000
TOTAL APPROPRIATION.....	\$3,651,000

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation.....	\$1,901,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall work with staff from the senate and the house of representatives transportation committees to identify the scope of the review and to assure that the work performed meets the needs of the house of representatives and the senate. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

(3) \$300,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by November 1, 2009.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation.....	\$2,237,000
Multimodal Transportation Account--State Appropriation.....	\$112,000
TOTAL APPROPRIATION.....	\$2,349,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of fares for the Washington state ferry system. The transportation commission may increase ferry fares, except no fare schedule modifications may be made prior to September 1, 2009. For purposes of this subsection, "modify" includes increases or decreases to the schedule. The commission may only approve ferry fare rate changes that have the same proportionate change for passengers as for vehicles.

(2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify a schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall investigate selling the naming rights and shall make recommendations to the legislature regarding this option.

(5) \$350,000 of the motor vehicle account--state appropriation is provided solely for consultant support services to assist the commission in updating the statewide transportation plan. The updated plan must be submitted to the legislature by December 1, 2010.

(6) If the commission considers implementing a ferry fuel surcharge, it must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation.....	\$695,000
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The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation.....	\$228,024,000
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State Patrol Highway Account--Federal Appropriation.	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation.	\$859,000
TOTAL APPROPRIATION.	\$239,485,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol, and Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section will no longer be part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(3) During the 2009-11 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with the county to transition the traffic accident investigations on Thurston county roads to the county by July 1, 2011.

(4) Within existing resources, the Washington state patrol shall make every reasonable effort to increase the enrollment in each academy class that commences during the 2009-11 fiscal biennium to fifty-five cadets.

(5) The Washington state patrol shall collaborate with the Washington traffic safety commission to develop and implement the target zero trooper pilot program referenced in section 201 of this act.

(6) The Washington state patrol shall discuss the implementation of the pilot program described under section 218(2) of this act with any union representing the affected employees.

(7) The Washington state patrol shall assign necessary personnel and equipment to implement and operate the pilot program described under section 218(2) of this act using the portion of the automated traffic safety camera fines deposited into the state patrol highway account, but not to exceed \$370,000. If the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach \$370,000, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation.	\$1,557,000
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NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL-- TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation.	\$105,680,000
State Patrol Highway Account--Private/Local Appropriation.	\$2,008,000
TOTAL APPROPRIATION.	\$107,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) \$8,673,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.

(3) \$7,421,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology- related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.

(7) \$345,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1445 (domestic partners/Washington state patrol retirement system). If Engrossed Substitute House Bill No. 1445 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation.	\$32,000
Motorcycle Safety Education Account--State Appropriation.	\$4,373,000
Wildlife Account--State Appropriation.	\$837,000
Highway Safety Account--State Appropriation.	\$145,085,000
Highway Safety Account--Federal Appropriation.	\$8,000
Motor Vehicle Account--State Appropriation.	\$78,805,000
Motor Vehicle Account--Private/Local Appropriation.	\$1,372,000

Motor Vehicle Account--Federal Appropriation.	\$242,000
Department of Licensing Services Account--State Appropriation.	\$3,867,000
Washington State Patrol Highway Account--State Appropriation.	\$738,000
Ignition Interlock Device Revolving Account--State Appropriation.	\$2,490,000
TOTAL APPROPRIATION.	\$237,849,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature;

(ii) Identification and analysis of relevant factors including, but not limited to:

- (A) Taxpayer reporting and payment processes;
- (B) The international fuel tax agreement;
- (C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;
- (D) Computer systems;
- (E) Best management practices and efficiencies;
- (F) Costs; and
- (G) Personnel matters;

(iii) Development of recommended actions to accomplish the transfer; and

(iv) An implementation plan and schedule.

(c) The report must include draft legislation, which transfers administration of fuel taxes as described under (a) of this subsection to the department of revenue on July 1, 2010, and amends existing law as needed.

(2) \$55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. In order to reduce costs and make the most efficient use of existing resources, the department may consolidate licensing service offices by closing the vehicle services counter at the highways licensing building in Olympia and up to twenty-five licensing service offices.

(a) When closing offices, the department may redistribute staff from consolidated offices to neighboring offices and local community supercenters.

(b) In order to mitigate the effects of office consolidations on customers, the department shall, within existing resources, provide the following enhanced services:

- (i) Extended daily and weekend hours in regional supercenter offices;
- (ii) Staffed greeter stations to improve office work flow; and
- (iii) Self-service stations for online transaction access, including vehicle renewal transactions.

(c) In areas that are not consolidated, the department will work to reduce costs by identifying opportunities to share facilities with subagent offices and state, county, or local government offices and by analyzing hours and days of operation to meet demand.

(d) The department shall work with vehicle licensing subagents regarding potential placement of self-service driver licensing kiosks in communities that will be affected by licensing services offices closures. The department may place kiosks in those subagent offices where both parties agree, and may pay the subagents the fair market value for any space used for kiosks.

(e) The department shall report to the joint transportation committee by November 30, 2009, on the department's consolidation implementation to date and its plan for continued implementation.

(3) \$11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services offices; extended hours at those licensing services offices; cross-border tourism education; and other education campaigns. This is the maximum amount the department may expend for this purpose.

(4) \$2,490,000 of the ignition interlock device revolving account-- state appropriation is provided solely for the department to assist indigent persons with the costs of installing, removing, and leasing the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial

driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

(10) The legislature finds that measuring the performance of the department requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently:

(a) The department shall develop a set of metrics that measure that performance and report to the transportation committees of the house of representatives and the senate and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act;

(b) The department shall study the process in place at the licensing services office and present to the 2010 legislature recommendations for process changes to improve efficiencies for both the department and the customer; and

(c) The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (i) Lease costs; (ii) salary and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of transactions completed, by type of transaction; and (vi) office hours.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION-- TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State Appropriation.	\$2,867,000
Motor Vehicle Account--State Appropriation.	\$585,000
Tacoma Narrows Toll Bridge Account--State Appropriation.	\$27,358,000
State Route Number 520 Corridor Account--State Appropriation.	\$58,088,000
TOTAL APPROPRIATION.	\$88,898,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of revenue generated by tolls on the Tacoma Narrows bridge and an itemized depiction of the use of that revenue.

(2) The department shall work with the office of financial management to review insurance coverage, deductibles, and limitations on tolled facilities to assure that the assets are well protected at a reasonable cost. Results from this review must be used to negotiate any future new or extended insurance agreements.

(3) \$58,088,000 of the state route number 520 corridor account-- state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. Of this amount, \$175,000 is for the immediate costs necessary to pursue a request for proposal to implement variable, open road tolling on the state route number 520 floating bridge. The request for proposal must include tolling infrastructure and signage, customer service centers, collection and billing procedures, and, to the extent practicable, the maintenance and dispensing of transponders by the vendor. The remaining \$57,913,000 must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this subsection is contingent on the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State Appropriation.	\$2,675,000
Motor Vehicle Account--State Appropriation.	\$67,811,000
Motor Vehicle Account--Federal Appropriation.	\$240,000
Multimodal Transportation Account--State Appropriation.	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$2,676,000
TOTAL APPROPRIATION.	\$73,765,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business work flows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(3) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation. \$25,501,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F

Aeronautics Account--State Appropriation. \$6,009,000

Aeronautics Account--Federal Appropriation. \$2,150,000

TOTAL APPROPRIATION. \$8,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.

(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation. \$48,032,000

Motor Vehicle Account--Federal Appropriation. \$500,000

Multimodal Transportation Account--State Appropriation. \$250,000

Water Pollution Account--State Appropriation. \$2,000,000

TOTAL APPROPRIATION. \$50,782,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request.

(2) If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of condemnation is no longer necessary for a public purpose and should be sold as surplus property, the former owner shall have a right of repurchase. "Former owner" means the person or entity from whom the department acquired title and that person's or entity's successors or assigns to the property or property interest subject to the repurchase right. At least ninety days prior to the date on which the property is to be sold by the department, the department must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the department with a forwarding address. If the former owner notifies the department within thirty days of the date of the notice that the former owner intends to repurchase the property, the department shall proceed with the sale of the property to the former owner and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the department of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within one year of the date of notice that the former owner intends to repurchase the property, that right shall be extinguished.

(3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife is consistent with the public interest in order to preserve the area for the use of the public. The department of transportation shall, as soon as is practicable, transfer and convey the Dryden pit site to the department of fish and wildlife for adequate consideration in the amount of no less than \$600,000, the proceeds of which must be deposited in the motor vehicle fund. By July 1, 2009, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) \$2,000,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water. If Substitute House Bill No. 1614 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$750,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM

K

Motor Vehicle Account--State Appropriation. \$615,000

Multimodal Transportation Account--State Appropriation. \$200,000

TOTAL APPROPRIATION. \$815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

(2) \$50,000 of the motor vehicle account--state appropriation is provided solely for the department to investigate the potential to generate revenue from web site sponsorships and similar ventures and, if feasible, pursue partnership opportunities.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation.	\$347,637,000
Motor Vehicle Account--Federal Appropriation.	\$2,000,000
Motor Vehicle Account--Private/Local Appropriation.. . . .	\$5,797,000
Water Pollution Account--State Appropriation.	\$12,500,000
TOTAL APPROPRIATION.	\$367,934,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$2,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:

(a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and

(b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Senate Bill No. 5976 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(8) \$16,800,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service.

(9) \$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water. If Substitute House Bill No. 1614 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(10) \$750,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING

Motor Vehicle Account--State Appropriation.	\$51,526,000
Motor Vehicle Account--Federal Appropriation.	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation.. . . .	\$127,000
TOTAL APPROPRIATION.	\$53,703,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2009-11 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or

realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$173,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks. The department shall report to the office of financial management and the transportation committees of the legislature on the effectiveness of the clearance goals and submit recommendations to improve the pilot program with the department's 2010 supplemental omnibus transportation appropriations act submittal.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation.	\$29,153,000
Motor Vehicle Account--Federal Appropriation.	\$30,000
Multimodal Transportation Account--State Appropriation.	\$973,000
State Route Number 520 Corridor Account--State Appropriation.	\$264,000
TOTAL APPROPRIATION.	\$30,420,000

The appropriations in this section are subject to the following conditions and limitations: \$264,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. This amount must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this section is contingent on the enactment of (1) Engrossed Substitute House Bill No. 2211 and (2) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this section are not satisfied, the amount provided in this section shall lapse.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation.	\$24,724,000
Motor Vehicle Account--Federal Appropriation.	\$19,116,000
Multimodal Transportation Account--State Appropriation.	\$696,000
Multimodal Transportation Account--Federal Appropriation.	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation.	\$100,000
TOTAL APPROPRIATION.	\$47,445,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) \$400,000 of the motor vehicle account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. A report on the study must be submitted to the legislature by June 30, 2010.

(3) \$243,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES-- PROGRAM U

Motor Vehicle Account--State Appropriation.	\$87,331,000
Motor Vehicle Account--Federal Appropriation.	\$400,000
Multimodal Transportation Account--State Appropriation.	\$561,000
TOTAL APPROPRIATION.	\$88,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self- insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES.	\$1,639,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR.	\$937,000
(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION.	\$6,060,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL.	\$6,347,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION.	\$44,418,000
(f) FOR ARCHIVES AND RECORDS MANAGEMENT.	\$623,000
(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES.	\$1,008,000
(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT.	\$1,143,000
(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES.	\$1,980,000
(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE.	\$8,526,000
(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION.	\$672,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account--State Appropriation.	\$54,677,000
Multimodal Transportation Account--State Appropriation.	\$65,795,000
Multimodal Transportation Account--Federal Appropriation.	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation.	\$1,027,000
TOTAL APPROPRIATION.	\$124,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2007 as reported in the "Summary of Public Transportation - 2007" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. At least \$1,600,000 of this amount must be used for vanpool grants in congested corridors.

(4) \$400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.

(5) \$3,318,000 of the multimodal transportation account--state appropriation and \$21,248,000 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B, as developed April 20, 2007, or the LEAP Transportation Document 2006-D, as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects on the LEAP Transportation Document 2006-D, as developed March 8, 2006; the LEAP Transportation Document 2007-B, as developed April 20, 2007; or the LEAP Transportation Document 2009-B, as developed April 24, 2009. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(6) \$33,429,000 of the regional mobility grant program account-- state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(7) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(8) \$130,000 of the multimodal transportation account--state appropriation is provided solely to the department to distribute to support Engrossed Substitute House Bill No. 2072 (special needs transportation).

(a) \$80,000 of the amount provided in this subsection is provided solely for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009.

(b) \$50,000 of the amount provided in this subsection is provided solely to support the pilot project to be developed or implemented by the local coordinating coalition comprised of a single county, described in sections 9, 10, and 11, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009. The department shall assist the local coordinating coalition to seek funding sufficient to fully fund the pilot project from a variety of sources including, but not limited to, the regional transit authority serving the county, the regional transportation planning organization serving the county, and other appropriate state and federal agencies and grants. Development or implementation of the pilot project is contingent on securing funding sufficient to fully fund the pilot project.

(c) If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this subsection (8) lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009, but a commitment from other sources to fully fund the pilot project described in (b) of this subsection has not been obtained by September 30, 2009, the amount provided in (b) of this subsection lapses.

(9) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(10) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2009-11 fiscal biennium.

(11) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation. \$400,592,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$53,110,560 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. This appropriation is contingent upon the enactment of section 716 of this act.

(2) To protect the waters of Puget Sound, the department shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

(3) If, after the department's review of fares and pricing policies, the department proposes a fuel surcharge, the department must evaluate other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.

(4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.

(5) The department shall continue to provide service to Sidney, British Columbia. The department may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.

(6) The department shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report its analysis to the transportation committees of the legislature by December 1, 2009.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-13 omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) \$3,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for commercial insurance for ferry assets. The office of financial management, after consultation with the transportation committees of the legislature, must present a business plan for the Washington state ferry system's insurance coverage to the 2010 legislature. The business plan must include a cost-benefit analysis of Washington state ferries' current commercial insurance purchased for ferry assets and a review of self-insurance for noncatastrophic events.

(9) \$1,100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for a marketing program. The department shall present a marketing program proposal to the transportation committees of the legislature during the 2010 legislative session before implementing this program. Of this amount, \$10,000 is for the city of Port Townsend and \$10,000 is for the town of Coupeville for mitigation expenses related to only one vessel operating on the Port Townsend/Keystone ferry route. The moneys provided to the city of Port Townsend and town of Coupeville are not contingent upon the required marketing proposal.

(10) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for two extra trips per day during the summer of 2009 season, beyond the current schedule, on the Port Townsend/Keystone route.

(11) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(12) The legislature finds that measuring the performance of Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the legislature and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act.

(13) As a priority task, the department is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

(a) The definition of an incident and an accident and the type of investigation that is required by both types of events;

(b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:

(i) Have the appropriate training and experience as determined by the policy;

(ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;

(iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;

(iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and

(v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;

(c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

(d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(e) The process for review, approval, and implementation of any approved recommendations within the department; and

(f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State Appropriation. \$34,933,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z-- OPERATING

Motor Vehicle Account--State Appropriation.	\$8,739,000
Motor Vehicle Account--Federal Appropriation.	\$2,567,000
TOTAL APPROPRIATION.	\$11,306,000

NEW SECTION. Sec. 226. The legislature recognizes that the department of transportation operates a seventh administrative region, including the urban corridors office. Therefore, the legislature intends that the secretary of the department of transportation identify and implement operational efficiencies. This may result in a decrease in the number of total regions and the amount of regional staff. The secretary shall report to the office of financial management and the joint transportation committee by January 2010 with a report regarding how the operational efficiencies were achieved.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation.	\$3,126,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$450,000 for Shelton training academy roofs; \$150,000 for HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades; \$90,000 for South King detachment window replacement; \$200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; \$200,000 for unforeseen emergency repairs; and \$318,000 for the Shelton training academy drive course/skid pan repair.

(2) \$1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other initial fees collected for the new waste water treatment lines, waste water plants, water lines, and water systems.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation.	\$51,000,000
Motor Vehicle Account--State Appropriation.	\$1,048,000
County Arterial Preservation Account--State Appropriation.	\$31,400,000
TOTAL APPROPRIATION.	\$83,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State Appropriation.	\$5,779,000
Urban Arterial Trust Account--State Appropriation.	\$122,400,000
Transportation Improvement Account--State Appropriation.	\$85,643,000
TOTAL APPROPRIATION.	\$213,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION. As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

- (1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;
- (2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;
- (3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;
- (4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and
- (5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation. \$4,810,000

- (1) \$1,198,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.
- (2) \$3,612,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration. This includes the administrative costs associated with those projects and the reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State Appropriation.	\$1,000
Transportation Partnership Account--State Appropriation.	\$1,723,834,000
Motor Vehicle Account--State Appropriation.	\$80,735,000
Motor Vehicle Account--Federal Appropriation.	\$410,341,000
Motor Vehicle Account--Private/Local Appropriation.. . . .	\$65,494,000
Special Category C Account--State Appropriation.. . . .	\$24,549,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$703,708,000
Freight Mobility Multimodal Account--State Appropriation.	\$4,422,000
Tacoma Narrows Toll Bridge Account--State Appropriation.. . . .	\$788,000
State Route Number 520 Corridor Account--State Appropriation.	\$106,000,000
TOTAL APPROPRIATION.	\$3,119,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1 as developed April 24, 2009, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000 in the 2011-13 fiscal biennium. The appropriations provided in this section for the projects in those biennia are therefore \$63,500,000 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13 fiscal biennium than the aggregate total of project costs listed. It is the intent of the legislature that the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document, provided that the prices of commodities used in transportation projects do not differ significantly from those assumed for the 2009-11 and 2011-13 fiscal biennia in the March 2009 forecast of the economic and revenue forecast council.

(3) \$162,900,000 of the transportation partnership account--state appropriation and \$106,000,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV project. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. Eastside state route number 520 improvements shall be designed and constructed to accommodate a future full interchange at 124th Avenue Northeast. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design of a full interchange at 124th Avenue Northeast. The amount provided in this subsection is contingent on the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the state route number 520 corridor account--state appropriation shall lapse.

(4) As required under section 305(6), chapter 518, Laws of 2007, the department shall report by January 2010 to the transportation committees of the legislature on the findings of the King county noise reduction solutions pilot project.

(5) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P including, but not limited to, the SR 518, SR 520, Columbia river crossing, and Alaskan Way viaduct projects.

(7) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to \$628,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to \$1,360,528,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The special category C account--state appropriation includes up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(11) The motor vehicle account--state appropriation includes up to \$31,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The department must prepare a tolling study for the Columbia river crossing project. While conducting the study, the department must coordinate with the Oregon department of transportation to perform the following activities:

(a) Evaluate the potential diversion of traffic from Interstate 5 to other parts of the transportation system when tolls are implemented on Interstate 5 in the vicinity of the Columbia river;

(b) Evaluate the most advanced tolling technology to maintain travel time speed and reliability for users of the Interstate 5 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;

(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(e) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility;

(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

(g) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the Interstate 5 and to solicit citizen views on the following items:

(i) Funding a portion of the Columbia river crossing project with tolls;

(ii) Implementing variable tolling as a way to reduce congestion on the facility; and

(iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and

(h) Provide a report to the governor and the legislature by January 2010.

(13)(a) By January 2010, the department must prepare a traffic and revenue study for Interstate 405 in King county and Snohomish county that includes funding for improvements and high occupancy toll lanes, as defined in RCW 47.56.401, for traffic management. The department must develop a plan to operate up to two high occupancy toll lanes in each direction on Interstate 405.

(b) For the facility listed in (a) of this subsection, the department must:

(i) Confer with the mayors and city councils of jurisdictions in the vicinity of the project regarding the implementation of high occupancy toll lanes and the impacts that the implementation of these high occupancy toll lanes might have on the operation of the corridor and adjacent local streets;

(ii) Conduct public work sessions and open houses to provide information to citizens regarding implementation of high occupancy toll lanes and to solicit citizen views;

(iii) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility; and

(iv) Provide a report to the governor and the legislature by January 2010.

(14) \$9,199,985 of the motor vehicle account--state appropriation is provided solely for project 100224I, as identified in the LEAP transportation document in subsection (1) of this section: US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(15) Expenditures for the state route number 99 Alaskan Way viaduct replacement project must be made in conformance with Engrossed Substitute Senate Bill No. 5768.

(16) The department shall conduct a public outreach process to identify and respond to community concerns regarding the Belfair bypass. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider and develop design alternatives that alter the project's scope so that the community's needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The legislature is committed to the timely completion of R8A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on Interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009.

(18) \$250,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a right turn lane to improve visibility and traffic flow on state route number 195 and Cheney-Spokane Road.

(19) \$846,700 of the motor vehicle account--federal appropriation and \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(20) \$1,360 of the motor vehicle account--state appropriation and \$35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) \$20,011,125 of the transportation partnership account--state appropriation, \$2,550 of the motor vehicle account--state appropriation, \$30,003,473 of the motor vehicle account--private/local appropriation, and \$1,482,066 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a \$30,003,473 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(23) The state route number 520 corridor account--state appropriation includes up to \$106,000,000 in proceeds from the sale of bonds authorized in Engrossed Substitute House Bill No. 2326 or in legislation authorizing bonds for the state route number 520 corridor projects. If Engrossed Substitute House Bill No. 2326, or legislation authorizing bonds for the state route number 520 corridor projects, is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(24) The department shall evaluate a potential deep bore culvert for the state route number 305/Bjorgen creek fish barrier project identified as project 330514A in LEAP Transportation Document ALL PROJECTS 2009-2, as developed April 24, 2009. The department shall evaluate whether a deep bore culvert will be a less costly alternative than a traditional culvert since a traditional culvert would require extensive road detours during construction.

(25) Project number 330215A in the LEAP transportation document described in subsection (1) of this section is expanded to include safety and congestion improvements from the Key Peninsula Highway to the vicinity of Purdy. The department shall consult with the Washington traffic safety commission to ensure that this project includes improvements at intersections and along the roadway to reduce the frequency and severity of collisions related to roadway conditions and traffic congestion.

(26) \$10,600,000 of the transportation partnership account--state appropriation is provided solely for project 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project.

(27) The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American Viticulture Area of Benton county.

(28) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

(29) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(30) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 167 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 316718A in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

(a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;

(b) Maximizing the efficient operation of the corridor; and

(c) Economic considerations for future system investments.

(31) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 509 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 850901F in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

(a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;

- (b) Maximizing the efficient operation of the corridor; and
- (c) Economic considerations for future system investments.

(32) Within the amounts provided in this section, \$28,000,000 of the transportation partnership account--state appropriation is for project 600010A, as identified in the LEAP transportation document in subsection (1) of this section: NSC-North Spokane corridor design and right-of-way - new alignment. Expenditure of these funds is for preliminary engineering and right-of-way purchasing to prepare for four lanes to be built from where existing construction ends at Francis Avenue for three miles to the Spokane river. Additionally, any savings realized on project 60001A, as identified in the LEAP transportation document in subsection (1) of this section: US 395/NSC-Francis Avenue to Farwell Road - New Alignment, must be applied to project 600010A.

(33) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department to conduct a state route number 2 route development plan that will identify essential improvements needed between the port of Everett/Naval station and approaching the state route number 9 interchange near the city of Snohomish.

(34) If the SR 26 - Intersection and Illumination Improvements are not completed by June 30, 2009, the department shall ensure that the improvements are completed as soon as practicable after June 30, 2009, and shall submit monthly progress reports on the improvements beginning July 1, 2009.

(35) \$200,000 of the transportation partnership account--state appropriation, identified on project number 400506A in the LEAP transportation document described in subsection (1) of this section, is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(36) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(37) Within the amounts provided in this section, \$1,500,000 of the motor vehicle account--state appropriation is provided solely for necessary work along the south side of SR 532, identified as project number 053255C in the LEAP transportation document described in subsection (1) of this section.

(38) \$10,000,000 of the transportation partnership account--state appropriation is provided solely for the Spokane street viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(39) The department shall conduct a public outreach process to identify and respond to community concerns regarding the portion of John's Creek Road that connects state route number 3 and state route number 101. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider, develop, and design a project scope so that the community's needs are met for the lowest cost. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(40) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by January 1, 2010.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- PRESERVATION--PROGRAM P

Transportation Partnership Account--State Appropriation.....	\$103,077,000
Motor Vehicle Account--State Appropriation.	\$88,142,000
Motor Vehicle Account--Federal Appropriation.	\$524,954,000
Motor Vehicle Account--Private/Local Appropriation.....	\$6,417,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$7,237,000
Puyallup Tribal Settlement Account--State Appropriation.....	\$6,500,000
TOTAL APPROPRIATION.....	\$736,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1 as developed April 24, 2009, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$544,639 of the motor vehicle account--federal appropriation and \$455,361 of the motor vehicle account--state appropriation are provided solely for project 602110F, as identified in the LEAP transportation document in subsection (1) of this section: SR 21/Keller ferry boat - Preservation. Funds are provided solely for preservation work on the existing vessel, the Martha S.

(3) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P.

(4) \$6,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership

of the Murray Morgan/11th Street bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed \$39,953,000. Funds may not be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(5) The department and the city of Tacoma must present to the legislature an agreement on the timing of the transfer of ownership of the Murray Morgan/11th Street bridge and any additional necessary state funding required to achieve the transfer and rehabilitation of the bridge by January 1, 2010.

(6) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(8)(a) The department shall conduct an analysis of state highway pavement replacement needs for the next ten years. The report must include:

- (i) The current backlog of asphalt and concrete pavement preservation projects;
- (ii) The level of investment needed to reduce or eliminate the backlog and resume the lowest life-cycle cost;
- (iii) Strategies for addressing the recent rapid escalation of asphalt prices, including alternatives to using hot mix asphalt;
- (iv) Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile; and
- (v) The use of recycled asphalt and concrete in state highway construction and the effect on highway pavement replacement needs.

(b) Additionally, the department shall work with the department of ecology, the county road administration board, and the transportation improvement board to explore and explain the potential use of permeable asphalt and concrete pavement in state highway construction as an alternative method of storm water mitigation and the potential effects on highway pavement replacement needs.

(c) The department shall submit the report to the office of financial management and the transportation committees of the legislature by December 1, 2010, in order to inform the development of the 2011-13 omnibus transportation appropriations act.

(9) \$1,722 of the motor vehicle account--state appropriation, \$9,608,115 of the motor vehicle account--federal appropriation, and \$272,141 of the transportation partnership account--state appropriation are provided solely for the SR 104/Hood Canal bridge - replace east half project, identified as project 310407B in the LEAP transportation document described in subsection (1) of this section.

(10) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(11) Within the amounts provided in this section, \$1,510,000 of the motor vehicle account--state appropriation is provided solely to complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

(12) \$1,500,000 of the motor vehicle account--federal appropriation is provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation.	\$6,394,000
Motor Vehicle Account--Federal Appropriation.	\$9,262,000
TOTAL APPROPRIATION.	\$15,656,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation.	\$118,752,000
Puget Sound Capital Construction Account--Federal Appropriation.	\$38,306,000
Puget Sound Capital Construction Account--Local Appropriation.	\$8,492,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$51,734,000
Transportation Partnership Account--State Appropriation.	\$67,234,000
Multimodal Transportation Account--State Appropriation.	\$170,000
TOTAL APPROPRIATION.	\$284,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$118,752,000 of the Puget Sound capital construction account-- state appropriation, \$38,306,000 of the Puget Sound capital construction account--federal appropriation, \$8,492,000 of the Puget Sound capital construction account--local appropriation, \$67,234,000

of the transportation partnership account--state appropriation, \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation, and \$170,000 of the multimodal transportation account-- state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Ferries Construction Program (W). Of the total appropriation, a maximum of \$10,627,000 may be used for administrative support, a maximum of \$8,184,000 may be used for terminal project support, and a maximum of \$4,497,000 may be used for vessel project support.

(2) \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation and \$63,100,000 of the transportation partnership account--state appropriation are provided solely for the acquisition of three new Island Home class ferry vessels subject to the conditions of RCW 47.56.780. The department shall pursue a contract for the second and third Island Home class ferry vessels with an option to purchase a fourth Island Home class ferry vessel. However, if sufficient resources are available to build one 144-auto vessel prior to exercising the option to build the fourth Island Home class ferry vessel, procurement of the fourth Island Home class ferry vessel will be postponed and the department shall pursue procurement of a 144-auto vessel.

(a) The first two Island Home class ferry vessels must be placed on the Port Townsend-Keystone route.

(b) The department may add additional passenger capacity to one of the Island Home class ferry vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(c) Cost savings from the following initiatives will be included in the funding of these vessels: The department's review and update of the vessel life-cycle cost model as required under this section; and the implementation of technology efficiencies as required under section 602 of this act.

(3) \$2,450,000 of the Puget Sound capital construction account-- state appropriation is provided solely for contingencies associated with closing out the existing contract for the technical design of the 144-auto vessel and the storage and maintenance of vessel owner- furnished equipment already procured. The department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessel if it is likely to be obsolete before it is used in procured 144-auto vessels.

(4) \$6,300,000 of the Puget Sound capital construction account-- state appropriation is provided solely for emergency capital costs.

(5) The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds received, may be constructed with the funds.

(6) \$3,965,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project; steering gear ventilation pilot project; and a new propulsion system for the MV Yakima. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The department shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The department shall review and adjust its capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(10) \$3,763,000 of the total appropriation is provided solely for the Washington state ferries to develop a reservation system. The department shall complete a predesign study and present the study to the joint transportation committee by November 1, 2009. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card. The department may not implement a statewide reservation system until the department is authorized to do so in the 2010 supplemental omnibus transportation appropriations act.

(11) \$1,200,000 of the total appropriation is provided solely for improving the toll booth configuration at the Port Townsend and Keystone ferry terminals.

(12) \$3,249,915 of the total appropriation is provided solely for continued permitting and archaeological work in order to determine the feasibility of relocating the Mukilteo ferry terminal. In order to ensure that the cultural resources investigation is properly conducted in a coordinated fashion, the department shall work with the department of archaeology and historic preservation and shall conduct work with active archaeological management. The department shall seek additional federal funding for this project.

(13) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2010. The proposal must:

(a) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

(b) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards. At a minimum, the department shall consider the following:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates;

and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects; and

(c) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

(14) \$247,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the Washington state ferries to review and update its vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2009. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

(15) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(16) The Puget Sound capital construction account--state appropriation includes up to \$118,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation.	\$675,000
Transportation Infrastructure Account--State Appropriation.	\$13,100,000
Multimodal Transportation Account--State Appropriation.	\$68,530,000
Multimodal Transportation Account--Federal Appropriation.	\$16,054,000
Multimodal Transportation Account--Private/Local Appropriation.	\$81,000
TOTAL APPROPRIATION.	\$98,440,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Rail Capital Program (Y). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett for a new rail track to connect a cement loading facility to the mainline.

(iii) Within the amounts provided in this section, \$3,684,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Quincy for construction of a rail loop.

(iv) The department shall issue the loans referenced in this subsection (1)(b) with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c)(i) Within the amounts provided in this section, \$1,712,022 of the multimodal transportation account--state appropriation and \$175,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) \$370,650; Clark County owned railroad/Vancouver - track rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) \$366,813.

(ii) Within the amounts provided in this section, \$500,000 of the essential rail assistance account--state appropriation and \$25,000 of the multimodal transportation account--state appropriation are for a statewide - emergent freight rail assistance project grant for the Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A) project, provided that the grantee first executes a written instrument that imposes on the grantee the obligation to repay the grant within thirty days in the event that the grantee discontinues or significantly diminishes service along the line within a period of five years from the date that the grant is awarded.

(iii) Within the amounts provided in this section, \$337,978 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) Within the amounts provided in this section, \$8,100,000 of the transportation infrastructure account--state appropriation is for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements

include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds, the status of such applications, and the status of projects identified on the list referenced in subsection (1)(a) of this section. The quarterly report regarding the status of projects identified on the list referenced in subsection (1)(a) of this section must be developed according to an earned value method of project monitoring.

(6) The multimodal transportation account--state appropriation includes up to \$20,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire twenty-nine additional grain train railcars.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z-- CAPITAL

Highway Infrastructure Account--State Appropriation.	\$207,000
Highway Infrastructure Account--Federal Appropriation.	\$1,602,000
Freight Mobility Investment Account--State Appropriation.	\$13,548,000
Transportation Partnership Account--State Appropriation.	\$8,863,000
Motor Vehicle Account--State Appropriation.	\$12,954,000
Motor Vehicle Account--Federal Appropriation.	\$39,572,000
Freight Mobility Multimodal Account--State Appropriation.	\$14,920,000
Freight Mobility Multimodal Account--Local Appropriation.	\$3,135,000
Multimodal Transportation Account--Federal Appropriation.	\$2,098,000
Multimodal Transportation Account--State Appropriation.	\$28,262,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$709,000
Passenger Ferry Account--State Appropriation.	\$2,879,000

TOTAL APPROPRIATION..... \$128,749,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$2,729,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) \$150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingston for a one-time operating subsidy needed to retain a federal grant.

(4) \$3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).

(5) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(7) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2009, and December 1, 2010.

(8) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account-- state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(9) \$18,182,113 of the multimodal transportation account--state appropriation, \$8,753,895 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Programs - Local Program (Z).

(11) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(12) \$913,386 of the motor vehicle account--state appropriation and \$2,858,216 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point. The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right-of-way sale is completed.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation.....	\$742,400,000
Ferry Bond Retirement Account Appropriation.....	\$33,771,000
Transportation Improvement Board Bond Retirement Account--State Appropriation.....	\$22,541,000
Nondebt-Limit Reimbursable Account Appropriation.....	\$18,400,000
Transportation Partnership Account--State Appropriation.....	\$8,318,000
Motor Vehicle Account--State Appropriation.....	\$901,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$4,116,000
Special Category C Account--State Appropriation.....	\$148,000
Urban Arterial Trust Account--State Appropriation.....	\$85,000

Transportation Improvement Account--State Appropriation.	\$41,000
Multimodal Transportation Account--State Appropriation.	\$283,000
TOTAL APPROPRIATION.	\$831,004,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation.	\$523,000
Motor Vehicle Account--State Appropriation.	\$57,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$259,000
Special Category C Account--State Appropriation.	\$10,000
Urban Arterial Trust Account--State Appropriation.	\$5,000
Transportation Improvement Account--State Appropriation.	\$3,000
Multimodal Transportation Account--State Appropriation.	\$18,000
TOTAL APPROPRIATION.	\$875,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Capital Construction Account.	\$118,000,000
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The department of transportation is authorized to sell up to \$118,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties.	\$488,843,000
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NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers.	\$1,310,279,000
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NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING-- TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers.	\$129,178,000
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NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State.	\$5,288,000
(2) Motor Vehicle Account--State Appropriation:	
For transfer to the Puget Sound Ferry Operations Account--State.	\$17,000,000
(3) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State.	\$2,000,000
(4) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State.	\$2,750,000
(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State.	\$9,000,000
(6) Highway Safety Account--State Appropriation:	
For transfer to the Multimodal Transportation Account--State.	\$18,750,000
(7) Department of Licensing Services Account--State Appropriation: For transfer to the Motor Vehicle Account--State.	\$2,000,000
(8) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State.	\$14,000,000
(9) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State.	\$8,000,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, 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 any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION RATES

Aeronautics Account--State.	(\$40,000)
Grade Crossing Protective Account--State.	(\$2,000)
State Patrol Highway Account--State.	(\$5,593,000)
Motorcycle Safety Education Account--State.	(\$18,000)
High Occupancy Toll Lanes Operations Account--State.	(\$20,000)
Rural Arterial Trust Account--State.	(\$20,000)
Wildlife Account--State.	(\$16,000)
Highway Safety Account--State.	(\$1,869,000)
Highway Safety Account--Federal.	(\$56,000)
Motor Vehicle Account--State.	(\$11,348,000)
Puget Sound Ferry Operations Account--State.	(\$5,019,000)
Urban Arterial Trust Account--State.	(\$26,000)
Transportation Improvement Account--State.	(\$26,000)
County Arterial Preservation Account--State.	(\$22,000)
Department of Licensing Services Account--State.	(\$36,000)
Multimodal Transportation Account--State.	(\$220,000)
Tacoma Narrows Toll Bridge Account--State.	(\$28,000)
Puget Sound Capital Construction Account--State.	(\$459,000)
Motor Vehicle Account--Federal.	(\$8,791,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP transportation document Z9R-2009. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2009-11 omnibus operating appropriations act. Any allotment reductions under this section shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State.	\$9,000
State Patrol Highway Account--State.	\$1,537,000
Motorcycle Safety Education Account--State.	\$6,000
Puget Sound Capital Construction--State.	\$85,000
High Occupancy Toll Lanes Operations Account--State.	\$5,000
Rural Arterial Trust Account--State.	\$3,000
Wildlife Account--State.	\$4,000
Highway Safety Account--State.	\$644,000
Highway Safety Account--Federal.	\$14,000
Motor Vehicle Account--State.	\$2,886,000
Puget Sound Ferry Operations Account--State.	\$1,311,000
Urban Arterial Trust Account--State.	\$5,000
Transportation Improvement Account--State.	\$5,000
County Arterial Preservation Account--State.	\$4,000
Department of Licensing Services Account--State.	\$6,000
Multimodal Transportation Account--State.	\$43,000
Tacoma Narrows Toll Bridge Account--State.	\$7,000
Motor Vehicle Account--Federal.	\$2,108,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP transportation document 6M-2009. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2009-11 omnibus operating appropriations act. Any allotment reductions under this section shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 503. COMPENSATION--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, 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 December 31, 2010, the subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall be \$182.89 per month.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. 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. 602. Transportation agencies shall consider some or all of the following strategies to achieve savings on information technology expenditures: (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. Agencies shall select an experienced firm from the prequalified contractors on the department of information services ITPS master agreement to develop a consolidated strategy and plan to achieve these strategies. By December 1, 2009, agencies shall report findings, including anticipated savings for the 2010 supplemental omnibus transportation appropriations act, to the office of financial management and the transportation committees of the legislature.

NEW SECTION. Sec. 603. FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2009-1 as developed April 24, 2009, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2010 supplemental budget, any unexpended 2007-09 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur to projects not identified on the applicable project list, except for those projects that were expected to be completed in the 2007-09 fiscal biennium; and

(f) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

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Sec. 701. RCW 46.68.170 and 2007 c 518 s 701 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ~~((2005-2007 and))~~ 2007- 2009 and 2009-2011 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section.

Sec. 702. RCW 47.29.170 and 2007 c 518 s 702 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2009))~~ 2011.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2007 c 518 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the license plate technology account to the ~~((multimodal transportation))~~ highway safety account such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 706. RCW 47.01.390 and 2007 c 518 s 705 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

(4) The requirements of subsection (1) of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 707. RCW 47.60.395 and 2007 c 512 s 15 are each amended to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under [section 205,] chapter 518, Laws of 2007, as it exists on July 22, 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

(4) The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 708. RCW 88.16.090 and 2008 c 128 s 4 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may require that applicants and pilots have federal licenses and endorsements as it deems appropriate; and

(iv) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and may be ranked for entry into a board-specified training program in a manner specified by the board based on their performance on a written examination or examinations established by the board, performance on other evaluation exercises as may be required by the board, and other criteria or qualifications as may be set by the board.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may (a) appoint a special independent committee or (b) contract with private or governmental entities knowledgeable and experienced in the development, administration, and grading of licensing examinations or simulator evaluations for marine pilots, or (c) do both. Active, licensed pilots designated by the board may participate in the development, administration, and grading of examinations and other evaluation exercises. If the board does appoint a special examination or evaluation development committee, it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) This subsection applies to the review of a pilot applicant's written examinations and evaluation exercises to qualify to be placed on a waiting list to become a pilot trainee. Failure to comply with the process set forth in this subsection renders the results of the pilot applicant's written examinations and evaluation exercises final. A pilot applicant may seek board review, administrative review, and judicial review of the results of the written examinations and evaluation exercises in the following manner:

(a) A pilot applicant who seeks a review of the results of his or her written examinations or evaluation exercises must request from the board-appointed or board-designated examination committee an administrative review of the results of his or her written examinations or evaluation exercises as set forth by board rule.

(b) The determination of the examination committee's review of a pilot applicant's examination results becomes final after thirty days from the date of service of written notification of the committee's determination unless a full adjudicative hearing before an administrative law judge has been requested by the pilot applicant before the thirty-day period has expired, as set forth by board rule.

(c) When a full adjudicative hearing has been requested by the pilot applicant, the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by chapter 34.05 RCW. The administrative law judge shall issue an initial order.

(d) The initial order of the administrative law judge is final unless within thirty days of the date of service of the initial order the board or pilot applicant requests review of the initial order under chapter 34.05 RCW.

(e) The board may appoint a person to review the initial order and to prepare and enter a final order as governed by chapter 34.05 RCW and as set forth by board rule. The person appointed by the board under this subsection (6)(e) is called the board reviewing officer.

(7) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee in an amount set by the board by rule. Pursuant to RCW 43.135.055, the fees established under this subsection may be increased ((in excess of the fiscal growth factor as provided in RCW 43.135.055)) through the fiscal year ending June 30, ((2009)) 2011. The fees must be deposited in the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots and pilot trainees licensed by the state are able to perform their duties. Within ninety days of

the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is fully able to carry out the duties of a pilot or pilot trainee under this chapter. The board may in its discretion check with the appropriate authority for any convictions of or information regarding offenses by a licensed pilot or pilot trainee involving drugs or the personal consumption of alcohol in the prior twelve months.

(9) The board may require vessel simulator training for a pilot trainee and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(10) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 709. RCW 47.12.244 and 2007 c 518 s 707 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

- (1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;
- (2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and
- (3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

~~((4))~~ During the ~~((2007-09))~~ 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 710. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ~~((2009))~~ 2011. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 711. RCW 46.68.060 and 2007 c 518 s 714 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 712. RCW 46.68.220 and 2009 c 8 s 503 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

Sec. 713. RCW 46.61.527 and 1994 c 141 s 1 are each amended to read as follows:

(1) The secretary of transportation shall adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public

employees or private contractors, on or adjacent to any public roadway. For the purpose of the pilot program referenced in section 218(2) of this act, during the 2009-2011 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on or adjacent to any public roadway pursuant to ongoing construction.

(2) No person may drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices.

(3) A person found to have committed any infraction relating to speed restrictions in a roadway construction zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the license or permit to drive or a nonresident driving privilege of a person convicted of reckless endangerment of roadway workers.

Sec. 714. RCW 46.63.170 and 2007 c 372 s 3 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

~~((c))~~ (e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((c))~~ (f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((f))~~ (g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((g))~~ (h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

~~((h))~~ (i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW ~~((3-46-120,))~~ 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2) of this act.

(6) During the 2009-2011 fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of section 218(2) of this act.

Sec. 715. RCW 47.12.080 and 1984 c 7 s 121 are each amended to read as follows:

(1) Except as provided otherwise in this section, the secretary of transportation may transfer and convey to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state, or to any public utility company, any unused state-owned real property under the jurisdiction of the department of transportation when, in the judgment of the secretary of transportation and the attorney general, the transfer and conveyance is consistent with public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, and the attorney general concurs therein, the secretary shall execute and deliver unto the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

(2) Through the end of the 2009-2011 fiscal biennium, the legislature may designate property under the jurisdiction of the department as unused state-owned real property and may further designate the transfer and conveyance of the property as consistent with the public interest. Once designated under this subsection, the legislature may direct the transfer and conveyance of the property to any entity described in subsection (1) of this section for adequate consideration as deemed such by the legislature, and need not require fair market value in exchange for the property.

Sec. 716. RCW 43.19.642 and 2007 c 348 s 201 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra- low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) For the 2009-2011 fiscal biennium, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel- powered vessels so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent. If the per gallon price of diesel containing a five percent biodiesel blend level exceeds the per gallon price of diesel by more than five percent, the requirements of this section do not apply to vessel fuel purchases by the Washington state ferries.

(5) By December 1, 2009, the department of general administration shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

Sec. 717. RCW 43.19.534 and 1993 sp.s. c 20 s 1 are each amended to read as follows:

(1) State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: ~~((+))~~ (a) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, ~~((+))~~ (b) are not of equal or better quality, or ~~((+))~~ (c) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in ~~((+))~~ (a), ~~((+))~~ (b), and ~~((+))~~ (c) of this section for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department of general administration shall adopt administrative rules that implement this section.

(2) During the 2009-2011 fiscal biennium, and in conformance with section 223(11) of this act, this section does not apply to the purchase of uniforms by the Washington state ferries.

Sec. 718. RCW 47.68.090 and 1980 c 67 s 1 are each amended to read as follows:

The department of transportation may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

The department may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, or to any Indian tribe recognized as such by the federal government or such tribes acting jointly in the planning,

acquisition, construction, improvement, maintenance or operation of an airport, owned or controlled, or to be owned or controlled by such tribe or tribes and to be held available for the general use of the public, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: PROVIDED, That no grant or loan or both shall be in excess of two hundred fifty thousand dollars, or five hundred thousand dollars during the 2009-2011 fiscal biennium, for any one project: PROVIDED FURTHER, That no grant or loan or both shall be granted unless the municipality or municipalities acting jointly, or the tribe or tribes acting jointly shall from their own funds match any funds made available by the department upon such ratio as the department may prescribe.

The department is authorized to act as agent of any municipality or municipalities acting jointly or any tribe or tribes acting jointly, upon the request of such municipality or municipalities, or such tribe or tribes in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of an airport or air navigation facility; and if requested by such municipality or municipalities, or tribe or tribes, may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities and tribes are authorized to designate the department as their agent for the foregoing purposes. The department, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available: PROVIDED, That any landing fee or charge imposed by any Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the department pursuant to this section must apply equally to tribal and nontribal members: PROVIDED FURTHER, That in the event any municipality or municipalities or Indian tribe or tribes, or any distributor of aircraft fuel as defined by RCW 82.42.020 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities or Indian tribe or tribes under the provisions of this section shall revert to the department, and shall be due and payable to the department immediately.

MISCELLANEOUS

NEW SECTION. Sec. 801. 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. 802. 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.

and that the bill do pass as recommended by the Conference Committee.

Senators Haugen, Marr and Swecker
Representatives Clibborn and Liias

MOTION

Representative Clibborn moved to adopt the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 and advance the bill as recommended by the Conference Committee to final passage.

Representative Clibborn spoke in favor of the adoption of the motion.

Representative Roach spoke against the adoption of the motion.

The motion to adopt the report of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 and advance the bill as recommended by the Conference Committee to final passage was adopted.

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

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5352 as recommended by the Conference Committee.

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

Representatives Roach and Bailey spoke against the passage of the bill.

MOTIONS

On motion of Representative Van De Wege, Representative Hasegawa was excused. On motion of Representative Walsh, Representative Armstrong was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Klippert, Kretz, Kristiansen, Roach, Rodne, Schmick, Shea, Short and Taylor.

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, as recommended by the Conference Committee, 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. 1332. 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 39.34 RCW to read as follows:

(1) As limited in subsection (3) of this section, a watershed management partnership formed or qualified under the authority of RCW 39.34.200 and 39.34.210, including the separate legal entity established by such a partnership under RCW 39.34.030(3)(b) to conduct the cooperative undertaking of the partnership under the same statutory authority, may exercise the power of eminent domain as provided in chapter 8.12 RCW.

(2) The eminent domain authority granted under subsection (1) of this section may be exercised only for those utility purposes for which the watershed partnership was formed and is limited solely to providing water services to its customers.

(3) Subsection (1) of this section applies only to a watershed management partnership that:

(a) Was formed or qualified before July 1, 2006, under the authority of RCW 39.34.200 and 39.34.210;

(b) Is not engaged in planning or in implementing a plan for a water resource inventory area under the terms of chapter 90.82 RCW;

(c) Is composed entirely of cities and water-sewer districts authorized to exercise the power of eminent domain in the manner provided by chapter 8.12 RCW; and

(d) Is governed by a board of directors consisting entirely of elected officials from the cities and water-sewer districts that constitute the watershed management partnership.

(4) A watershed management partnership exercising authority under this section shall:

(a) Comply with the notice requirements of RCW 8.25.290;

(b) Provide notice to the city, town, or county with jurisdiction over the subject property by certified mail thirty days prior to the partnership board authorizing condemnation; and

(c) With any city that is not a member of the watershed management partnership and that has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, enter into an interlocal agreement to allow eminent domain within that city prior to exercising eminent domain authority under this section.

(5) The legislature is currently unaware of any information suggesting that the expected use by the watershed management

partnership of the Lake Tapps water supply will have a significantly adverse effect on surrounding communities. However, if the watershed management partnership's Lake Tapps water supply operations result in a negative impact to the water supplies of a city that is not a member of the watershed management partnership and the city has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, the city claiming a negative impact under this subsection must notify the watershed management partnership of their claim and give the partnership at least sixty days to resolve the claimed impact. If the watershed management partnership fails to resolve the claimed negative impact or disputes that the negative impact exists, the city claiming the negative impact under this subsection may pursue existing legal remedies in accordance with state and federal law. If a court determines that a negative impact has occurred as provided under this subsection, the watershed management partnership shall implement a remedy acceptable to the claiming city. If the affected city or cities and the watershed management partnership cannot agree on the terms required under this subsection, the court shall establish the terms for the remedy required under this subsection."

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "and adding a new section to chapter 39.34 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. 1332 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman 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. 1332, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1332, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

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, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen,

Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Herrera, Orcutt and Taylor.

Excused: Representatives Armstrong and Hasegawa.

SUBSTITUTE HOUSE BILL NO. 1332, 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 has passed SUBSTITUTE HOUSE BILL NO. 1751 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.370 and 2007 c 478 s 1 and 2007 c 250 s 1 are each reenacted and amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, within one hundred fifty days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax

imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(4) No tax may be collected under this section before July 1, 1998. (a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is twenty-five years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less 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."

On page 1, line 2 of the title, after "collected;" strike the remainder of the title and insert "and reenacting and amending RCW 82.14.370."

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. 1751 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hunter and Orcutt 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. 1751, as amended by the Senate.

MOTION

On motion of Representative Van De Wege, Representative Moeller was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1751, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, 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, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Moeller.

SUBSTITUTE HOUSE BILL NO. 1751, 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 has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the state authorize early tolling on the state route number 520 corridor in order to secure the authority to spend federal grant moneys provided to Washington state as part of the urban partnership grant program.

It is further the intent of the legislature to impose tolls on the state route number 520 floating bridge subject to section 2 of this act, to help finance construction of the replacement state route number 520 floating bridge and necessary landings.

It is further the intent of the legislature to expedite the replacement of the floating bridge and necessary landings in a manner that does not preclude local design options on either side of the state route number 520 corridor. For all projects in the state route number 520 corridor program, the legislature intends that the total cost will be no more than four billion six hundred fifty million dollars.

It is further the intent of the legislature that if the tolls on the state route number 520 corridor significantly alter the performance of nearby facilities, the legislature will reconsider the tolling policy for the corridor.

It is further the intent of the legislature that the department of transportation applies for federal stimulus funds for projects in the corridor.

"NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is

designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the replacement state route number 520 floating bridge and necessary landings, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) The proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment and necessary landings of state route number 520, must be used only to fund the construction of the replacement state route number 520 floating bridge and necessary landings.

(5) The department may carry out the construction and improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1)(a) The state route number 520 work group is created. The work group shall consist of the following members:

(i) The legislators from the forty-third legislative district;

(ii) The legislators from the forty-eighth legislative district;

(iii) The secretary of transportation;

(iv) Two legislators from each of the forty-sixth and forty-fifth legislative districts as jointly determined by the speaker of the house of representatives and the president of the senate;

(v) The chairs of the transportation committees of the legislature, who may each appoint one additional legislator from the joint transportation committee representing a legislative district outside of the state route number 520 corridor; and

(vi) The member of the transportation commission representing King county.

(b) The work group members shall elect two cochairs to consist of one legislative member representing the east side of the state route number 520 corridor and one legislative member representing the west side of the state route number 520 corridor. The work group shall conduct at least three meetings consisting of an initial meeting, a midcourse meeting, and a final meeting.

(2) The state route number 520 work group must:

(a) Review and recommend a financing strategy, in conjunction with the department, to fund the projects in the state route number 520 corridor that reflects the design options recommended under (b) of this subsection. The financing strategy must be based on a total cost of all the intended projects in the state route number 520

corridor that does not exceed four billion six hundred fifty million dollars;

(b) Recommend design options that provide for a full state route number 520 corridor project, including projects in the corridor for which the department applies for federal stimulus funds provided in the American recovery and reinvestment act of 2009, that meets the needs of the region's transportation system while providing appropriate mitigation for the neighborhood and communities in the area directly impacted by the project; and

(c) Present a final report with recommendations on financing and design options to the legislature and the governor by January 1, 2010. The recommendations will inform the supplemental draft environmental impact statement process for the state route number 520 corridor. The process must continue through 2009.

(3) All design options considered or recommended by the state route number 520 work group must adhere to RCW 47.01.408.

(4) The state route number 520 work group shall form a westside subgroup to conduct a detailed review and make recommendations on design options on the west side of the corridor, which extends from the west end of the floating bridge to Interstate 5. The westside subgroup shall consult with neighborhood and community groups impacted by the potential design options. The work group may form an eastside subgroup to review current design options on the east side of the corridor, which extends from the east end of the floating bridge to state route number 202.

(5) The state route number 520 work group shall consult with the governor and legislators representing the primary users of the state route number 520 corridor.

(6) The department shall provide staff support to the state route number 520 work group.

NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the replacement state route number 520 floating bridge and necessary landings, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the replacement state route number 520 floating bridge and necessary landings; and

(e) All damages, liquidated or otherwise, collected under any contract involving the construction of the replacement state route number 520 floating bridge and necessary landings.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the replacement state route number 520 floating bridge and necessary landings, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for

bonds issued for the replacement state route number 520 floating bridge project and necessary landings in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 5. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom

account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond

retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)((a)) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 47.56 RCW to read as follows:

Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislature with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this section, along with a detailed justification for each such increase or decrease.

NEW SECTION. Sec. 7. This act takes effect August 1, 2009."

On page 1, line 2 of the title, after "corridor;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; 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 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Roach 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. 2211, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2211, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 43; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Haigh, Hudgins, Hunt, Jacks,

Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, 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 and Wood.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Not voting: Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Moeller.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Engrossed Substitute House Bill No. 2211, 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 Substitute House Bill No. 2211, as amended by the Senate, on reconsideration

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2211, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 52; Nays, 43; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Haigh, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, 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, Driscoll, Eddy, Ericksen, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa and Moeller.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 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, and for certificates of participation under chapter 39.94 RCW, 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).

Sec. 2. 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 as follows: 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; and 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, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. 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. 3. RCW 28B.20.720 and 1985 c 390 s 39 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the University of Washington bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the ((state treasury and credited to a special trust fund to be known as the University of Washington bond retirement)) fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to

prevent 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 less than thirty-seven dollars and fifty cents per each nonresident student per quarter)~~);

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

~~((Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall,))~~ While any ~~((of such))~~ bonds issued in accordance with the provisions of this chapter or any interest thereon remain~~((s))~~ unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in RCW 28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 4. RCW 28B.30.740 and 1985 c 390 s 44 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the Washington State University bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the ((state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the state treasury)) fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

~~((Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall,))~~ While any ~~((of such))~~ bonds issued in accordance with the provisions of this chapter or any interest thereon remain unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in ~~((subdivision (5) of))~~ RCW 28B.30.750(5). As a part of the contract of sale of such bonds, the board shall undertake to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 5. 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.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 6. 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.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7. RCW 28B.20.715 and 1985 c 390 s 38 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of the University of Washington or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That, except as otherwise provided in subsection (8)(e) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;
 - (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
 - (5) Shall be payable both principal and interest out of the bond retirement fund;
 - (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
 - (7) Shall be sold in such manner and at such price as the board may prescribe;
 - (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;

(e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of the University of Washington that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060.

~~The proceeds of the sale of all bonds (exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and)) issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs.~~

Sec. 8. RCW 28B.20.735 and 1985 c 390 s 40 are each amended to read as follows:

The bonds authorized to be issued pursuant to the provisions of RCW 28B.20.700 through 28B.20.740 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment ~~((derived from the building fees))~~ as herein provided. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.20.700 through 28B.20.740 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Sec. 9. RCW 28B.30.730 and 2002 c 238 s 302 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of Washington State University or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That, except as otherwise provided in subsection (8)(e) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;

(e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of Washington State University that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060.

~~The proceeds of the sale of all bonds ((shall be deposited in the state treasury to the credit of the Washington State University building account and)) issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investable balances of~~

scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190. (~~During the 2001-2003 fiscal biennium, the legislature may transfer from the Washington State University building account to the state general fund such amounts as reflect the excess fund balance of the account.))"~~

On page 1, line 2 of the title, after "universities;" strike the remainder of the title and insert "and amending RCW 28B.15.210, 28B.15.310, 28B.20.720, 28B.30.740, 28B.35.370, 28B.50.360, 28B.20.715, 28B.20.735, and 28B.30.730."

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. 2254 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Warnick 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. 2254, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2254, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, 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, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, 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, Warnick, White, Williams, Wood and Mr. Speaker.

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

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254, 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 insists on its position on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701 and asks the House to concur thereon, 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. 1701 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins and Crouse 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. 1701, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, 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, Kirby, 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, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Hasegawa.

SUBSTITUTE HOUSE BILL NO. 1701, 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 refuses to concur in the House amendment (621) (BARC 034) to ENGROSSED SENATE BILL NO. 5013 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 (621) to ENGROSSED SENATE BILL NO. 5013, and advanced the bill, without the House amendment, to final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5013 without House amendment (621).

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5013, without House amendment (621) and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Klippert, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, 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, Anderson, Angel, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kretz, Kristiansen, Liias, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SENATE BILL NO. 5013, without House amendment (621), having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5263 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 SUBSTITUTE SENATE BILL NO. 5263. 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 SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Brandland and Tom)

Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

Representative Pedersen moved the adoption of amendment (912).

On page 3, line 37, after "activities" insert "However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers".

Representatives Pedersen and Rodne spoke in favor of the adoption of the amendment.

Amendment (912) 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 second reading.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

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

Voting nay: Representatives Chandler, Condotta, Cox, Crouse, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Probst, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION AND FIRST READING

HB 2387 by Representatives Campbell, Chase and Appleton

AN ACT Relating to the humane treatment of dogs; adding a new section to chapter 16.52 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

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

CONFERENCE COMMITTEE REPORT

SSB 5574

April 24, 2009

Includes "New Item": NO

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5574, protecting consumer data in motor vehicles, have had the same under consideration and we recommend that:

the House floor striking amendment (H-3232.1/09) be adopted

and that the bill do pass as recommended by the Conference Committee. (For amendment, see Journal, Day 93, April 14, 2009).

Senators Kohl-Welles, Kauffman and Holmquist
Representatives Clibborn, Eddy and Shea

There being no objection, the House adopted the Conference Committee report on SUBSTITUTE SENATE BILL NO. 5574 and advanced the bill as recommended by the conference committee to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Clibborn and Shea spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5574 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5574, as recommended by the conference committee, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, 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, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Hasegawa.

SUBSTITUTE SENATE BILL NO. 5574, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1614, by Representatives Ormsby, Priest, Rodne, Eddy, Hunt, Pettigrew, Upthegrove, Blake, Nelson, Appleton, Pedersen, Simpson, Darneille, Williams, Hudgins, Dunshee, McCoy and Wood

Reducing the amount of petroleum pollution in storm water.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1614 was substituted for House Bill No. 1614 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1614 was read the second time.

With the consent of the House, amendments (869) and (890) were withdrawn. Amendment (883), which was drafted to amendment (869), was ruled out of order.

Representative Ormsby moved the adoption of amendment (889):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that contaminated storm water runoff is a major water pollution problem in the state creating a significant burden on the rivers, aquifers, lakes, and streams across Washington. In addition, mitigating the burdens of storm water and storm water pollution is one of the Puget Sound partnership's top strategic priorities for Puget Sound recovery.

(2) The legislature recognizes that the burden of storm water pollution is a function of both increased volumes of storm water runoff due to the expansion of impervious surfaces and the toxic substances that pollute the runoff. Local governments may address the burdens created by increased impervious surface through storm water utility fees, but it has been difficult to regulate the toxic

substances that contaminate storm water runoff and result in nonpoint source pollution.

(3) The legislature finds that contamination from one category of toxic substances, petroleum products, accounts for a significant portion of the total pollution load in Puget Sound and other areas in the state.

(4) The legislature finds that, although future expenditures for required storm water remediation have not been fully quantified, existing information shows that near-term costs for storm water permit compliance and retrofit projects are in excess of one billion dollars. To meet federal storm water permit requirements and complete other storm water projects necessary to meet water quality recovery goals, more than two hundred fifty million dollars will need to be spent by cities, counties, ports, and the state department of transportation every year. The fee imposed in section 3 of this act on petroleum products, which account for between forty-five percent and sixty-five percent of storm water pollution, will generate less than half of the minimum of the annual costs of necessary storm water remediation projects.

(5) The legislature finds that the burden of storm water pollution from petroleum products is difficult to offset because the source of pollution is not a single physical point, but occurs wherever the petroleum products are purchased, consumed, or used. Nonpoint pollution sources like petroleum and petroleum byproducts contaminate storm water through a multitude of pathways. Combustion of gasoline, diesel, residual fuel oil, and other petroleum products emit pollutants such as hydrocarbons, polycyclic aromatic hydrocarbons, zinc, and arsenic, which then disperse and deposit on the ground. Petroleum-based chemicals leach from substances like paving asphalt. Oil and grease drip from vehicles and equipment onto roads and parking lots. When rainwater flows across impervious surfaces, these contaminants are mobilized and transported to water bodies.

(6) The legislature finds that the possession of petroleum and petroleum byproducts such as asphalt and road oil, lubricants, motor vehicle fuel, and motor diesel fuel directly contributes to storm water contamination because once these products are present in the state, the immediate, foreseeable, and unavoidable consequences of their distribution and use are emissions that significantly contribute to storm water pollution.

(7) The legislature finds that the federal government and the state of Washington have identified remediation of storm water runoff through national pollutant discharge elimination system phase I and II as a requirement for the state and local jurisdictions. Impacts from the polluted storm water may be mitigated through retrofit projects for existing infrastructure.

(8) The legislature finds that resources needed to offset the direct burdens of storm water polluted by these substances are insufficient to meet existing needs. Existing funding is raised largely by local governments and is disproportionately borne by fees levied on individual developers and property owners.

(9) Finally, the legislature finds that imposing a fee on the first in-state possession of petroleum products that contribute to nonpoint storm water pollution is the most administratively feasible method of regulation that proportionally allocates the costs of offsetting the burdens that these products place on the environment. The legislature therefore authorizes a fee to regulate nonpoint source pollution from petroleum products and offset the burdens that such nonpoint pollution places on the environment and the waters of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

(1) The water pollution account is created in the state treasury. All fees collected under section 3 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used on activities or capital projects that mitigate or prevent storm water pollution by petroleum products or storm water pollution associated with petroleum products.

(2) After deducting the department's administrative costs associated with collecting the fees and administering a competitive grant process:

(a) Approximately forty percent of the moneys must be allocated through the grant process to local governments to fund activities or capital projects that address petroleum contamination of storm water through the implementation of the national pollutant discharge elimination system programs permitted under this chapter. To be eligible, local governments must provide fifty percent of project or activity costs from other nonstate fund sources. To qualify for funding, applicants must also demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's or activity's outcomes; and

(ii) For project proposals, that the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(b) Approximately forty percent of the moneys must be allocated through the grant process to local governments for retrofit projects that address petroleum contamination of storm water. The moneys must be prioritized for projects that utilize low-impact development retrofit strategies, but moneys may be awarded for other retrofit projects if the site does not lend itself to low-impact development techniques. After December 31, 2012, in order to qualify for funding, applicants must demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's outcomes; and

(ii) That the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(c) Approximately ten percent of the money must be allocated as grants to the department of transportation to fund activities or capital projects that address petroleum contamination of storm water related to existing transportation infrastructure through the implementation of the department of transportation's national pollutant discharge elimination system programs permitted under this chapter. To qualify for funding, the department must demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's or activity's outcomes; and

(ii) For project proposals, that the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(d) Approximately ten percent of the money must be allocated through either existing storm water grant programs or the grant process to projects under (a) or (b) of this subsection and to the highest priority projects based upon ecological and water quality benefits determined by the department. For projects qualifying under this subsection (2)(d), moneys may be allocated to meet the matching requirements under (a) of this subsection to jurisdictions that demonstrate economic hardship in meeting the matching requirement. To qualify for funding, applicants must also demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's outcomes; and

(ii) That the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(3) The department shall develop criteria for administering the program and ranking projects for funding. In developing criteria applicable to projects in the Puget Sound basin, the department shall consult with the Puget Sound partnership. All projects approved for funding must demonstrate the potential to achieve clear ecological or water quality benefits. The department shall endeavor to distribute the moneys within each geographic region of the state in proportion to the severity of impacts on the state's waters from petroleum contamination.

(4) Administration of the grant program, including the collection of fees under section 3 of this act, must be paid for out of the water pollution account. Notwithstanding program implementation costs, no more than three percent of the moneys from the account may be used to administer the grant program on a continuing basis.

(5) The department shall initiate the grant application process by July 1, 2010.

(6) By December 1, 2011, and every two years thereafter, the department shall report to the governor and the appropriate committees of the legislature on the progress of the program and the suitability of the percentage allocations specified in subsection (2)(a) through (d) of this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Low-impact development" means a storm water management and land development strategy applied at the parcel and subdivision level that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

(b) "Retrofit" means the renovation of existing development to improve or eliminate storm water problems associated with the site.

(c) "Capital project" means the capital project, including the construction and associated costs, described in capital budget instructions issued by the office of financial management.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) Effective January 1, 2010, a fee is imposed on the first possession of petroleum products that contribute to storm water pollution, as defined in subsection (6) of this section, for the purpose of offsetting the burden caused by petroleum pollution of storm water in this state. The fee is one dollar and fifty cents per barrel of petroleum product that contributes to storm water pollution.

(2) Fees collected under this section must be deposited in the water pollution account created in section 2 of this act and applied solely for the pollution prevention and mitigation purposes permitted under section 2 of this act and for the administration of the program required under section 2 of this act.

(3) The fee must be collected by the department. No later than January 1, 2010, the department shall adopt rules governing the collection of the fees. The department may enter into agreements with other state agencies to facilitate the most efficient collection system.

(4) It is the intent of this section to impose a fee only once for petroleum products that contribute to storm water pollution that are possessed in this state. Accordingly, the fee is imposed on the first possession of such products. The fee is not imposed on the possession of small amounts of petroleum products that is first

possessed by a consumer or by a retailer for the purpose of sale to ultimate consumers.

(5) Petroleum products exported from or sold for export from the state are not subject to the fee imposed under this section.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of petroleum product.

(b) "Control" means the power to sell or use the petroleum product or to authorize the sale or use by another.

(c) "Petroleum products that contribute to storm water pollution" means asphalt and road oil, lubricants, motor vehicle fuel, motor diesel fuel, and residual fuel oil, and any other petroleum substance that the department determines contributes to storm water pollution in the state. The term does not include crude oil, aviation gasoline, jet fuel, home heating oil, dyed special fuel, or clear special fuel used for agricultural purposes.

(d) "Possession" means the act of taking control of the petroleum product located within this state, whether the person taking control does so by bringing, receiving, creating, or extracting the petroleum product in this state, and includes both actual and constructive possession. "Actual possession" occurs when the person with control obtains physical possession. "Constructive possession" occurs when the person with control does not obtain physical possession."

Correct the title.

Representative Ormsby moved the adoption of amendment (891) to amendment (889):

On page 3, line 35 of the striking amendment, after "techniques." strike "After December 31, 2012, in order to" and insert "To"

Representative Ormsby spoke in favor of the adoption of the amendment to amendment (889).

Representative Warnick spoke against the adoption of the amendment to amendment (889).

Amendment (891) to amendment (889) was adopted.

Amendment (889) 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.

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

POINT OF PARLIAMENTARY INQUIRY

Representative Ross: "Mr. Speaker, as you know, simply calling an extraction a "fee" does not exempt it from the 2/3 vote requirement under Initiative 960.

House Bill 1614 imposes a \$1.50 per barrel "fee" on the first possession of petroleum products. The money is deposited in the newly created Water Pollution Account for the purpose of mitigating or preventing storm water pollution from petroleum products.

While this language would appear to tie this "fee" to a specific purpose, there does not appear to be a sufficient connection between those paying the fee and the benefits of mitigating or preventing

storm water pollution from petroleum products. In fact, the Department of Ecology has identified at least 14 different sources of storm water contamination, petroleum being one of them. It appears that the money from this new account could also go toward the cleanup of the remaining 13 non-petroleum storm water pollutants.

I believe the benefits of mitigating or preventing storm water pollution benefit the general public, not just those paying this fee, suggesting that House Bill 1614 is actually a tax.

Mr. Speaker, does House Bill 1614 require a 2/3 vote under Initiative 960? Thank you."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "In ruling upon the point of inquiry whether Substitute House Bill No. 1614 requires a two-thirds vote on final passage under statutes enacted by Initiative 960 because it "raises taxes", the Speaker finds and rules as follows:

Determining whether a revenue measure requires a simple majority or a 2/3 vote can be a difficult challenge. To be considered a fee, there must be a relationship between the source of the revenue and the purposes for which the proceeds may be used. The more direct the connection between the money collected and the narrow purpose for which it may be spent, the more likely it is a fee.

Substitute House Bill 1614 raises revenue by imposing a \$1.50 charge on the first possession of each barrel of petroleum products that contribute to storm water pollution. The revenue raised may only be used to fund projects that mitigate storm water pollution and that demonstrate a clear relationship between these petroleum products and project outcomes.

While revenue raised by the charge is substantial, other significant funding sources finance storm water remediation and retrofit projects. The bill includes a legislative finding that to meet federal storm water permit requirements and complete other storm water projects necessary to meet water quality recovery goals, more than two hundred fifty million dollars will need to be spent by cities, counties, ports, and the state department of transportation every year.

The bill also includes a legislative finding that petroleum products account for forty-five to sixty-five percent of the pollution in storm water. The charge imposed in Substitute House Bill 1614 will generate less than half of the minimum of the annual costs of necessary storm water remediation projects, and thus will mitigate only a portion of the burden that the covered petroleum products place on the environment through nonpoint storm water pollution.

Substitute House Bill 1614 is narrowly tailored to fund projects that address the specific impacts of these petroleum products in storm water. The Speaker finds that the revenue source is sufficiently limited so as to be considered a fee for a dedicated purpose. For these reasons, the Speaker finds that the measure will take only a simple majority for final passage."

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

POINT OF ORDER

Representative Ericksen: "I urge the good gentle lady from District 34th to contain her comments to the bill in front of us."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you for your point of order, Representative Ericksen. The Speaker believes that the remarks of the good lady from the 34th District are in regard to her expressing her thoughts in regard to the industry to whom the fees are being placed on to be able to absorb or afford these costs. The Speaker would also agree that the examples in question are getting close to inflaming debate not engendering it and would caution the good lady to pick her words carefully.

Your point is partially well taken, Mr. Ericksen."

Representatives Nelson (again), Upthegrove, Finn, Campbell, McCoy, Chase, Lias and Appleton spoke in favor of the passage of the bill.

Representatives Orcutt, Warnick, Hinkle, Johnson, DeBolt, Angel and Haler spoke against the passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Simpson: "Under Rule 22 of the House anyone can appeal the decision of the Speaker but I believe it disrespectful to the Speaker and indecorous to the House and institution, to continually assert that the Speaker's ruling was incorrect. This is a fee, not a tax."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you for your point of order, Mr. Simpson. Your point is well taken. The Speaker has ruled on a point of parliamentary inquiry on the question of a fee or tax. The Speaker would ask the members to confine their remarks to the policy question in the bill before us."

Representatives Haler (again), Taylor, Kretz, Smith, Klippert, Ross 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 Engrossed Substitute House Bill No. 1614.

MOTION

On motion of Representative Hinkle, Representative Roach was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1614 and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville,

McCune, Morris, Orcutt, Parker, Pearson, Probst, Quall, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Armstrong and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1614, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

April 25, 2009

HB 2357 Prime Sponsor, Representative Cody: Concerning modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor. Reported by Committee on Ways & Means

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

April 25, 2009

SB 6002 Prime Sponsor, Senator Keiser: Abolishing the Washington state quality forum. Reported by Committee on Ways & Means

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

April 25, 2009

SB 6121 Prime Sponsor, Senator Tom: Regarding the surcharge to fund botoxin testing and monitoring. Reported by Committee on Ways & Means

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

April 25, 2009

SB 6165 Prime Sponsor, Senator Ranker: Allowing greater use of short boards for appeals before the shorelines hearings board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander,

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

April 25, 2009

SB 6168 Prime Sponsor, Senator Tom: Reducing costs in state elementary and secondary education programs. Reported by Committee on Ways & Means

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

April 25, 2009

SSB 6171 Prime Sponsor, Committee on Ways & Means: Concerning savings in programs under the supervision of the department of health. Reported by Committee on Ways & Means

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

April 25, 2009

SSB 6172 Prime Sponsor, Committee on Ways & Means: Suspending the powers and duties of the oil spill advisory council for the 2009-2011 biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. During the 2009-2011 biennium, the powers and duties of the oil spill advisory council established in RCW 90.56.120 and 90.56.130 are suspended.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2009."

Correct the title.

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

April 25, 2009

SB 6179 Prime Sponsor, Senator Tom: Concerning chemical dependency specialist services. Reported by Committee on Ways & Means

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

April 25, 2009

SB 6181 Prime Sponsor, Senator Tom: Concerning the intensive resource home pilot. Reported by Committee on Ways & Means

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 25, 2009

HB 2376 Prime Sponsor, Representative Pettigrew: Delaying the implementation of Initiative Measure No. 1029. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Seaquist and Sullivan.

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

Passed to Committee on Rules for second reading.

April 25, 2009

ESB 5915 Prime Sponsor, Senator Prentice: Authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent. (REVISED FOR ENGROSSED: Authorizing emergency rule making when necessary to implement budget appropriations and reductions.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey,

Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 25, 2009

ESB 5995 Prime Sponsor, Senator Pridemore: Eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009. (REVISED FOR ENGROSSED: Eliminating certain boards, committees, and commissions and the transfer of certain duties.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Intent. One of the key roles of advisory boards, committees, and commissions is to provide input, advice and recommendations from stakeholders, other interested parties, and the public to state agencies. Some advisory boards, committees, and commissions may be abolished without detriment to the mission of the agency each supports. Most of the advisory functions of some boards, committees, and commissions can be performed without the administrative costs of maintaining formal organizations. In the interest of building a leaner, more efficient, and more responsible government, this vital communications conduit must be maintained for the benefit of the state and its citizens, through the use of modern communication technology. It is the intent of the legislature this interim to identify criteria to evaluate those advisory boards, committees, and commissions that may be eliminated or consolidated, and for agencies to identify new, less costly, and more effective opportunities to ensure a broad range of citizen participation is provided and that all reasonable efforts are made to ensure that channels are maintained for vital input from the citizens of Washington.

Acupuncture Ad Hoc Committee

Sec. 2. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Licensed Acupuncturist.

(4) ~~(The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW~~

~~43.03.040 and 43.03.060.~~

~~(5))~~ The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Airport Impact Mitigation Advisory Board

Sec. 3. RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each amended to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development 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.

(2) The department of community, trade, and economic development shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection ~~((4))~~ (3) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications ~~((in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section))~~ using objective criteria developed by the department ~~((in conjunction with the airport impact mitigation advisory board))~~. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

~~(3) ((The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.~~

~~(4))~~ The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

~~((5))~~ (4) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

Advisory Council on Adult Education

NEW SECTION. Sec. 4. RCW 28B.50.254 (Advisory council on adult education--Workforce training and education coordinating board to monitor) and 1991 c 238 s 19 are each repealed.

Sec. 5. RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read as follows:

(1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended:

(3) The board shall provide policy advice for any federal act pertaining to workforce development that is not required by state or federal law to be provided by another state body.

(4) Upon enactment of new federal initiatives relating to workforce development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's workforce development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

(5) The board shall monitor for consistency with the state comprehensive plan for workforce training and education the policies and plans established by the state job training coordinating council ~~((; the advisory council on adult education;))~~ and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for workforce training and education.

Sec. 6. RCW 28C.18.090 and 1995 c 130 s 4 are each amended to read as follows:

(1) The board shall specify, by December 31, 1995, the common core data to be collected by the operating agencies of the state training system and the standards for data collection and maintenance required in RCW 28C.18.060(8).

(2) The minimum standards for program evaluation by operating agencies required in RCW 28C.18.060(9) shall include biennial program evaluations; the first of such evaluations shall be completed by the operating agencies July 1, 1996. The program evaluation of adult basic skills education shall be provided by the ~~((advisory council on adult education))~~ board.

(3) The board shall complete, by January 1, 1996, its first outcome-based evaluation and, by September 1, 1996, its nonexperimental net-impact and cost-benefit evaluations of the training system. The outcome, net-impact, and cost-benefit evaluations shall for the first evaluations, include evaluations of each of the following programs: Secondary vocational-technical education, work-related adult basic skills education, postsecondary workforce training, job training partnership act titles II and III, as well as of the system as a whole.

(4) The board shall use the results of its outcome, net-impact, and cost-benefit evaluations to develop and make recommendations to the legislature and the governor for the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

The board shall perform the requirements of this section in cooperation with the operating agencies.

Character-Building Residential Services in Prisons, Oversight Committee

NEW SECTION. Sec. 7. RCW 72.09.800 (Comprehensive plan for character-building residential services in prisons--Establishment of oversight committee) and 2008 c 104 s 2 are each repealed.

Displaced Homemaker Program Statewide Advisory Committee

NEW SECTION. Sec. 8. RCW 28B.04.085 (Displaced homemaker program advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each repealed.

Adult Family Home Advisory Committee

NEW SECTION. Sec. 9. RCW 70.128.225 (Advisory committee) and 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.
Sec. 10. RCW 70.128.163 and 2001 c 193 s 6 are each amended to read as follows:

(1) When the department has summarily suspended a license, the licensee may, subject to the department's approval, elect to participate in a temporary management program. All provisions of this section shall apply.

The purposes of a temporary management program are as follows:

(a) To mitigate dislocation and transfer trauma of residents while the department and licensee may pursue dispute resolution or appeal of a summary suspension of license;

(b) To facilitate the continuity of safe and appropriate resident care and services;

(c) To preserve a residential option that meets a specialized service need and/or is in a geographical area that has a lack of available providers; and

(d) To provide residents with the opportunity for orderly discharge.

(2) Licensee participation in the temporary management program is voluntary. The department shall have the discretion to approve any temporary manager and the temporary management arrangements. The temporary management shall assume the total responsibility for the daily operations of the home.

(3) The temporary management shall contract with the licensee as an independent contractor and is responsible for ensuring that all minimum licensing requirements are met. The temporary management shall protect the health, safety, and well-being of the residents for the duration of the temporary management and shall perform all acts reasonably necessary to ensure that residents' needs are met. The licensee is responsible for all costs related to administering the temporary management program and contracting with the temporary management. The temporary management agreement shall at a minimum address the following:

(a) Provision of liability insurance to protect residents and their property;

(b) Preservation of resident trust funds;

(c) The timely payment of past due or current accounts, operating expenses, including but not limited to staff compensation, and all debt that comes due during the period of the temporary management;

(d) The responsibilities for addressing all other financial obligations that would interfere with the ability of the temporary manager to provide adequate care and services to residents; and

(e) The authority of the temporary manager to manage the home, including the hiring, managing, and firing of employees for good cause, and to provide adequate care and services to residents.

(4) The licensee and department shall provide written notification immediately to all residents, legal representatives, interested family members, and the state long-term care ombudsman program, of the temporary management and the reasons for it. This notification shall include notice that residents may move from the

home without notifying the licensee in advance, and without incurring any charges, fees, or costs otherwise available for insufficient advance notice, during the temporary management period.

(5) The temporary management period under this section concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of administrative proceedings, whichever date is later. Nothing in this section precludes the department from revoking its approval of the temporary management and/or exercising its licensing enforcement authority under this chapter. The department's decision whether to approve or to revoke a temporary management arrangement is not subject to the administrative procedure act, chapter 34.05 RCW.

(6) The department is authorized to adopt rules implementing this section. In implementing this section, the department shall consult with consumers, advocates, ~~((the adult family home advisory committee established under chapter 18.48 RCW,))~~ and organizations representing adult family homes. The department may recruit and approve qualified, licensed providers interested in serving as temporary managers.

Boarding Home Advisory Board

NEW SECTION. Sec. 11. RCW 18.20.260 (Advisory board) and 2000 c 47 s 8 are each repealed.

Citizens' Work Group on Health Care Reform

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

2008 c 311 s 1 (uncodified);

2008 c 311 s 2 (uncodified);

2008 c 311 s 3 (uncodified); and

2008 c 311 s 4 (uncodified).

Firearms Range Advisory Committee

NEW SECTION. Sec. 13. RCW 79A.25.220 (Firearms range advisory committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3 are each repealed.

Model Toxic Control Act Science Advisory Board

NEW SECTION. Sec. 14. 1997 c 406 s 1 (uncodified) is repealed.

Sec. 15. RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before December 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts; and

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~(5) ((The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020 and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~—((6))~~ The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~(((7)))~~ (6) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the

department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Oil Heat Advisory Committee

Sec. 16. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows: The director shall: (1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the director may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The agency is

authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account. The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

(12) ~~((Create an advisory committee of stakeholders to advise the director on all aspects of program operations and fees authorized by this chapter, including pollution prevention programs. The advisory committee must have one member each from the Pacific Northwest oil heat council, the Washington oil marketers association, the western states petroleum association, and the department of ecology and three members from among the owners of home heating oil tanks registered with the pollution liability insurance agency who are generally representative of the geographical distribution and types of registered owners. The committee should meet at least quarterly, or more frequently at the discretion of the director; and~~

~~((13)) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.~~

Parks Centennial Advisory Committee

Sec. 17. RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read as follows:

This act expires ~~((December 31, 2013))~~ June 30, 2009.

Prescription Drug Purchasing Consortium Advisory Committee

Sec. 18. RCW 70.14.060 and 2005 c 129 s 1 are each amended to read as follows:

(1) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under this section. The administrator shall not require any supplemental rebate offered to the department of social and health services by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, and for individuals who lack or are

underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) ((The prescription drug consortium advisory committee is created within the authority. The function of the prescription drug advisory committee is to advise the administrator of the state health care authority on the implementation of the prescription drug purchasing consortium.~~

~~—(4) The prescription drug consortium advisory committee shall be composed of eleven members selected as provided in this subsection:~~

~~—(a) The administrator shall select one member of the prescription drug consortium advisory committee from each list of three nominees submitted by statewide organizations representing the following:~~

~~—(i) One representative of state employees, who represents an employee union certified as exclusive representative of at least one bargaining unit of classified employees;~~

~~—(ii) One member who is a licensed physician;~~

~~—(iii) One member who is a licensed pharmacist;~~

~~—(iv) One member who is a licensed advanced registered nurse practitioner;~~

~~—(v) One member representing a health carrier licensed under Title 48 RCW; and~~

~~—(vi) One member representing unions that represent private sector employees;~~

~~—(b) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing consumers. One of the consumer members shall have knowledge or experience regarding senior citizen prescription drug cost and utilization issues;~~

~~—(c) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses; and~~

~~—(d) The administrator shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University.~~

~~—(5) The administrator shall consult with the advisory committee on at least a quarterly basis on significant policy decisions related to implementation of the purchasing consortium.~~

~~—(6)) This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

~~((7)) (4) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.~~

~~((8)) (5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.~~

Risk Management Advisory Committee

NEW SECTION. **Sec. 19.** RCW 4.92.230 (Risk management--Advisory committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are each repealed.

Sec. 20. RCW 4.92.130 and 2002 c 332 s 14 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager (~~with the consultation and advice of the risk management advisory committee~~). An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the risk management division. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the risk management division in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

Securities Advisory Committee

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 21.20.550 (State advisory committee--Composition, appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282 s 55;

(2) RCW 21.20.560 (State advisory committee--Chairperson, secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s 4, & 1959 c 282 s 56;

(3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and 1959 c 282 s 57;

(4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

(5) RCW 21.20.590 (State advisory committee--Reimbursement of travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, & 1959 c 282 s 59.

Radiologic Technologists Ad Hoc Committee

Sec. 22. RCW 18.84.040 and 2008 c 246 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

~~((4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.))~~

Sec. 23. RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended to read as follows:

The secretary (~~ad hoc committee members~~) or individuals acting on ~~(their)~~ his or her behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Pesticide Committees

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) RCW 17.15.040 (Interagency integrated pest management coordinating committee--Creation--Composition--Duties--Public notice--Progress reports) and 1997 c 357 s 5;

(2) RCW 17.21.230 (Pesticide advisory board) and 1994 c 283 s 26, 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c 20 s 1, 1971 ex.s. c 191 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;

(3) RCW 17.21.240 (Pesticide advisory board--Vacancies) and 1994 c 283 s 27, 1989 c 380 s 55, & 1961 c 249 s 24;

(4) RCW 17.21.250 (Pesticide advisory board--Duties) and 1989 c 380 s 56 & 1961 c 249 s 25;

(5) RCW 17.21.260 (Pesticide advisory board--Officers, meetings) and 1994 c 283 s 28, 1989 c 380 s 57, & 1961 c 249 s 26; and

(6) RCW 17.21.270 (Pesticide advisory board--Travel expenses) and 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s 24, & 1961 c 249 s 27.

Sec. 25. RCW 15.92.070 and 1991 c 341 s 8 are each amended to read as follows:

The laboratory is advised by a board appointed by the dean of the Washington State University college of agriculture and home economics. The dean shall cooperate with appropriate officials in Washington, Idaho, and Oregon in selecting board members.

(1) The board shall consist of one representative from each of the following interests: A human toxicologist or a health professional knowledgeable in worker exposure to pesticides, the Washington State University vice-provost for research or research administrator, representatives from the state department of agriculture, the department of ecology, the department of health, the department of labor and (~~(industry [industries])~~) industries, privately owned Washington pesticide analytical laboratories, federal regional pesticide laboratories, an Idaho and Oregon laboratory, whether state, university, or private, a chemical and fertilizer industry representative, farm organizations, food processors, marketers, farm labor, environmental organizations, and consumers. Each board member shall serve a three-year term. The members of the board shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

(2) The board (~~(is in liaison with the pesticide advisory board and the pesticide incident reporting and tracking panel and)~~) shall review the chemicals investigated by the laboratory according to the following criteria:

(a) Chemical uses for which a database exists on environmental fate and acute toxicology, and that appear safer environmentally than pesticides available on the market;

(b) Chemical uses not currently under evaluation by public laboratories in Idaho or Oregon for use on Washington crops;

(c) Chemicals that have lost or may lose their registration and that no reasonably viable alternatives for Washington crops are known; and

(d) Other chemicals vital to Washington agriculture.

(3) The laboratory shall conduct research activities using approved good laboratory practices, namely procedures and recordkeeping required of the national IR-4 minor use pesticide registration program.

(4) The laboratory shall coordinate activities with the national IR-4 program.

Sec. 26. RCW 17.21.020 and 2004 c 100 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) "Agricultural commodity" means any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Agricultural land" means land on which an agricultural commodity is produced or land that is in a government-recognized conservation reserve program. This definition does not apply to private gardens where agricultural commodities are produced for personal consumption.

(3) "Antimicrobial pesticide" means a pesticide that is used for the control of microbial pests, including but not limited to viruses,

bacteria, algae, and protozoa, and is intended for use as a disinfectant or sanitizer.

(4) "Apparatus" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(5) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(6) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, private applicator, limited private applicator, rancher private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA or the director as a restricted use pesticide.

(7) "Commercial pesticide applicator" means any person who engages in the business of applying pesticides to the land of another.

(8) "Commercial pesticide operator" means any employee of a commercial pesticide applicator who uses or supervises the use of any pesticide and who is required to be licensed under provisions of this chapter.

(9) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(10) "Department" means the Washington state department of agriculture.

(11) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(12) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(13) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision and shall require that the certified applicator be physically present at the application site and that the person making the application be in voice and visual contact with the certified applicator at all times during the application. However, direct supervision for forest application does not require constant voice and visual contact when general use pesticides are applied using nonapparatus type equipment, the certified applicator is physically present and readily available in the immediate application area, and the certified applicator directly observes pesticide mixing and batching. Direct supervision of an aerial

apparatus means the pilot of the aircraft must be appropriately certified.

(14) "Director" means the director of the department or a duly authorized representative.

(15) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(16) "EPA" means the United States environmental protection agency.

(17) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

(18) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(19) "Forest application" means the application of pesticides to agricultural land used to grow trees for the commercial production of wood or wood fiber for products such as dimensional lumber, shakes, plywood, poles, posts, pilings, particle board, hardboard, oriented strand board, pulp, paper, cardboard, or other similar products.

(20) "Fumigant" means any pesticide product or combination of products that is a vapor or gas or forms a vapor or gas on application and whose method of pesticidal action is through the gaseous state.

(21) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, and yeasts, except those on or in a living person or other animals.

(22) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(23) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant.

(24) "Immediate service call" means a landscape application to satisfy an emergency customer request for service, or a treatment to control a pest to landscape plants.

(25) "Insect" means any small invertebrate animal, in any life stage, whose adult form is segmented and which generally belongs to the class insecta, comprised of six-legged, usually winged forms, as, for example, beetles, bugs, bees, and flies. The term insect shall also apply to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(26) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect.

(27) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.

(28) "Landscape application" means an application of any EPA registered pesticide to any exterior landscape area around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by private applicators, limited private applicators, or rancher private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(29) "Limited private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide classified by the EPA or the director as a restricted use pesticide, for the sole purpose of controlling weeds on nonproduction agricultural land owned or rented by the applicator or the applicator's employer. Limited private applicators may also use restricted use pesticides on timber areas,

excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A limited private applicator may apply restricted use herbicides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

(30) "Limited production agricultural land" means land used to grow hay and grain crops that are consumed by the livestock on the farm where produced. No more than ten percent of the hay and grain crops grown on limited production agricultural land may be sold each crop year. Limited production agricultural land does not include aquatic sites.

(31) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(32) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts. Nematodes may also be called nemas or eelworms.

(33) "Nonproduction agricultural land" means pastures, rangeland, fencerows, and areas around farm buildings but not aquatic sites.

(34) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(35) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director may declare to be a pest.

(36) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant as defined in RCW 15.58.030.

(37) (~~"Pesticide advisory board" means the pesticide advisory board as provided for in this chapter.~~

~~(38))~~ "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

~~((39))~~ (38) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((40))~~ (39) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((41))~~ (40) "Rancher private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide or any rodenticide classified by the EPA or the director as a restricted use pesticide for the purpose of controlling weeds and pest animals on nonproduction agricultural land and limited production agricultural land owned or rented by the applicator or the applicator's employer. Rancher private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A rancher private applicator may apply restricted use herbicides and rodenticides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

~~((42))~~ (41) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county, but does not include property zoned as agricultural or agricultural homesites.

~~((43))~~ (42) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

~~((44))~~ (43) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

~~((45))~~ (44) "School facility" means any facility used for licensed day care center purposes or for the purposes of a public kindergarten or public elementary or secondary school. School facility includes the buildings or structures, playgrounds, landscape areas, athletic fields, school vehicles, or any other area of school property.

~~((46))~~ (45) "Snails or slugs" include all harmful mollusks.

~~((47))~~ (46) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((48))~~ (47) "Weed" means any plant which grows where it is not wanted.

Foster Care Endowed Scholarship Advisory Board

NEW SECTION. Sec. 27. RCW 28B.116.040 (Foster care endowed scholarship advisory board) and 2005 c 215 s 5 are each repealed.

Sec. 28. RCW 28B.116.020 and 2005 c 215 s 3 are each amended to read as follows:

(1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund;~~(c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in RCW 28B.116.040).~~

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

Higher Education Coordinating Board--Work Study

Sec. 29. RCW 28B.12.040 and 1994 c 130 s 4 are each amended to read as follows:

~~(With the assistance of an advisory committee,)~~ The higher education coordinating board shall develop and administer the state work-study program. The board shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

~~(The members of the work-study advisory committee may include, but need not be limited to representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the advisory committee, the board shall consult with institutions of higher education, the state board for community and technical colleges, the workforce training and education coordinating board, and appropriate associations and organizations.)~~ With the exception of off-campus community service placements, the share from moneys disbursed under the state work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers.

Sexual Offender Treatment Providers Advisory Committee

NEW SECTION. Sec. 30. RCW 18.155.050 (Sexual offender treatment providers advisory committee) and 1990 c 3 s 805 are each repealed.

Vendor Rates Advisory Committee

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) RCW 74.32.100 (Advisory committee on vendor rates--Created--Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

(2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor rates" defined) and 1969 ex.s. c 203 s 2;

(3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203 s 3;

(4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

(5) RCW 74.32.140 (Investigation to determine if additional requirements or standards affecting vendor group) and 1971 ex.s. c 298 s 1;

(6) RCW 74.32.150 (Investigation to determine if additional requirements or standards affecting vendor group--Scope of investigation) and 1971 ex.s. c 298 s 2;

(7) RCW 74.32.160 (Investigation to determine if additional requirements or standards affecting vendor group--Changes investigated regardless of source) and 1971 ex.s. c 298 s 3;

(8) RCW 74.32.170 (Investigation to determine if additional requirements or standards affecting vendor group--Prevailing wage scales and fringe benefit programs to be considered) and 1971 ex.s. c 298 s 4; and

(9) RCW 74.32.180 (Investigation to determine if additional requirements or standards affecting vendor group--Additional factors to be accounted for) and 1971 ex.s. c 298 s 5.

Organized Crime Advisory Board

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

(1) RCW 43.43.858 (Organized crime advisory board--Created--Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c 202 s 5;

(2) RCW 43.43.860 (Organized crime advisory board--Terms of members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s 6;

(3) RCW 43.43.862 (Organized crime advisory board--Powers and duties) and 1973 1st ex.s. c 202 s 7;

(4) RCW 43.43.864 (Information to be furnished board--Security--Confidentiality) and 1973 1st ex.s. c 202 s 8;

(5) RCW 10.29.030 (Appointment of statewide special inquiry judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s 3;

(6) RCW 10.29.040 (Scope of investigation and proceeding--Request for additional authority) and 1980 c 146 s 4;

(7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--Removal) and 1980 c 146 s 8; and

(8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c 274 s 205 & 1980 c 146 s 9.

Sec. 33. RCW 43.43.866 and 1980 c 146 s 16 are each amended to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the ~~((organized crime advisory board pursuant to RCW 10.29.090))~~ chief of the Washington state patrol, and may be made either on authorization of the governor or the governor's designee, or upon request of ~~((a majority of the members of the organized crime advisory board))~~ the chief of the

Washington state patrol. In order to maintain an effective expenditure and revenue control, the organized crime prosecution 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 the fund.

Sec. 34. RCW 43.10.240 and 1985 c 251 s 1 are each amended to read as follows:

The attorney general shall annually report to the ~~((organized crime advisory board))~~ chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the ~~((board))~~ chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately ~~((by members of the board))~~.

Special License Plate Review Board

NEW SECTION. Sec. 35. RCW 46.16.705 (Special license plate review board--Created) and 2005 c 319 s 117 & 2003 c 196 s 101 are each repealed.

Sec. 36. RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401 are each reenacted and amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of the background of all vehicle license plates may vary in color and design but must be legible and clearly identifiable as a Washington state license plate, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) Special license plate series approved by the special license plate review board created under RCW 46.16.705 and enacted by the legislature prior to June 30, 2009, may display a symbol or artwork approved by the special license plate review board. Beginning July 1, 2009, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

(3) By November 1, 2003, in providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the multimodal transportation account.

Sec. 37. RCW 46.16.316 and 2005 c 210 s 2 are each amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by the ~~((special license plate review board under RCW 46.16.715 through 46.16.775))~~; or (c) under RCW 46.16.601 sells, trades, or otherwise transfers or releases ownership of the vehicle

upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ten dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Sec. 38. RCW 46.16.715 and 2005 c 319 s 118 are each amended to read as follows:

~~((1))~~ The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.

~~(2)~~ The board will be compensated from the general appropriation for the department of licensing in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

~~(3)~~ The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

~~((4))~~ The department of licensing shall ~~((provide administrative support to the board, which must include at least the following))~~:

~~((a))~~ Provide general staffing to meet the administrative needs of the board;

~~((b))~~ (1) Report to the ~~((board))~~ department on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;

~~((c))~~ (2) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization; and

~~((d))~~ (3) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the ~~((board for review and approval))~~ department.

Sec. 39. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

~~(1)~~ ~~((The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.~~

~~(2))~~ The ~~((board))~~ department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

~~((3))~~ (2) Duties of the ~~((board))~~ department include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the ~~((board))~~ department;

(c) Issue approval and rejection notification letters to sponsoring organizations, ~~((the department,))~~ the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The ~~((board))~~ department may submit a recommendation to discontinue a special license plate series to the chairs of the senate and house of representatives transportation committees;

~~((e))~~ Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for).

~~((f))~~ (3) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2009. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 40. RCW 46.16.745 and 2005 c 210 s 8 are each amended to read as follows:

(1) A sponsoring organization meeting the requirements of RCW 46.16.735, applying for the creation of a special license plate ~~((to the special license plate review board))~~ must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section.

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under RCW 46.16.755~~((f))~~ (3);

(b) Provide a proposed license plate design;

(c) Provide a marketing strategy outlining short and long-term marketing plans for each special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate;

(e) Provide proof of organizational qualifications as determined by the department as provided for in RCW 46.16.735;

(f) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of three thousand five hundred intended purchases of the special license plate.

(3) After an application is approved by the ~~((special license plate review board))~~ department, the application need not be reviewed again ~~((by the board))~~ for a period of three years.

Sec. 41. RCW 46.16.755 and 2004 c 222 s 4 are each amended to read as follows:

(1)(a) Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in RCW 46.16.745(~~((3))~~) must be deposited into the motor vehicle account until the department determines that the state's implementation costs have been fully reimbursed. The department shall apply the application fee required under RCW 46.16.745(~~((3)(a))~~) towards those costs.

(b) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the treasurer, and commence the distribution of the revenue as otherwise provided by law.

(2) If reimbursement does not occur within two years from the date the plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants, except the application fee as provided in RCW 46.16.745(~~((3))~~), must be deposited into the account. Only the director of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.

(4) The department shall provide the special license plate applicant with a written receipt for the payment.

(5) The department shall maintain a record of each special license plate applicant trust account deposit, including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.

(6) After the department receives written notice that the special license plate applicant's application has been:

(a) Approved by the legislature, the director shall request that the money be transferred to the motor vehicle account;

(b) Denied by the ~~((special license plate review board))~~ department or the legislature, the director shall provide a refund to the applicant within thirty days; or

(c) Withdrawn by the special license plate applicant, the director shall provide a refund to the applicant within thirty days.

Sec. 42. RCW 46.16.775 and 2003 c 196 s 304 are each amended to read as follows:

(1) A special license plate series created by the legislature after January 1, (~~(2004))~~ 2011, that has not been reviewed and approved by the ~~((special license plate review board))~~ department is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund. The creation and implementation of the plate series may not commence until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the

revenues generated from the sale of the special license plates must be deposited in the motor vehicle account until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it is determined that the state has been fully reimbursed the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed license plate design to the department within thirty days of enactment of the legislation creating the plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Those plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) If the sponsoring organization ceases to exist or the purpose of the special plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle account.

(4) A sponsoring organization may not seek to redesign their plate series until all of the existing inventory is sold or purchased by the organization itself. All cost for redesign of a plate series must be paid by the sponsoring organization.

Sec. 43. RCW 46.16.30901 and 2004 c 35 s 1 are each amended to read as follows:

The department shall issue a special license plate displaying a symbol, approved by the special license plate review board before June 30, 2009, for professional firefighters and paramedics who are members of the Washington State Council of Firefighters. Upon initial application and subsequent renewals, applicants must show proof of eligibility by providing a certificate of current membership from the Washington State Council of Firefighters. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

Sec. 44. RCW 46.16.30903 and 2004 c 48 s 1 are each amended to read as follows:

~~((1) The legislature recognizes the Helping Kids Speak license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~((2))~~ The department shall issue a special license plate displaying a symbol, as approved by the special license plate review board before June 30, 2009, recognizing an organization that supports programs that provide no-cost speech pathology programs to children. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate an organization that supports programs that provide free diagnostic and therapeutic services to children who have a severe delay in language or speech development.

Sec. 45. RCW 46.16.30905 and 2004 c 221 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the law enforcement memorial license plate has been reviewed by the special license plate~~

review board as specified in chapter 196, Laws of 2003, and was found to fully comply with all provisions of chapter 196, Laws of 2003:

—(2)) The department shall issue a special license plate displaying a symbol, as approved by the special license plate review board before June 30, 2009, honoring law enforcement officers in Washington killed in the line of duty. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

Sec. 46. RCW 46.16.30907 and 2005 c 42 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Washington's Wildlife license plate collection, to include three distinct designs including bear, deer, and elk, has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

—(2)) The department shall issue a special license plate collection displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing Washington's wildlife, that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 47. RCW 46.16.30909 and 2005 c 44 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Washington state parks and recreation commission license plate application has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources, that may be used in lieu of regular or personalized license plates for vehicles required to display one and two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 48. RCW 46.16.30911 and 2005 c 48 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Washington Lighthouses" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing an organization that supports selected Washington state lighthouses and provides environmental education programs. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 49. RCW 46.16.30913 and 2005 c 53 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Keep Kids Safe" license plate has been reviewed and approved by the special license~~

~~plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

—(2)) The department shall issue a special license plate displaying artwork, as approved by the special license plate review board before June 30, 2009, recognizing efforts to prevent child abuse and neglect. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 50. RCW 46.16.30914 and 2005 c 71 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "we love our pets" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board before June 30, 2009, recognizing an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets, in order to reduce pet overpopulation. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 51. RCW 46.16.30916 and 2005 c 85 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Gonzaga University alumni association license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board before June 30, 2009, recognizing the Gonzaga University alumni association. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 52. RCW 46.16.30918 and 2005 c 177 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Washington's National Park Fund" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing Washington's National Park Fund, that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 53. RCW 46.16.30920 and 2008 c 183 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the armed forces license plate collection has been reviewed and approved by the special license plate review board.~~

—(2)) The department shall issue a special license plate collection, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing the contribution of

veterans, active duty military personnel, reservists, and members of the national guard. The collection includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.

~~((3))~~ (2) Armed forces special license plates may be used in lieu of regular or personalized license plates for vehicles required to display one and two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

~~((4))~~ (3) Upon request, the department must make available to the purchaser, at no additional cost, a decal indicating the purchaser's military status. The department must work with the department of veterans affairs to establish a list of the decals to be made available. The list of available decals must include, but is not limited to, "veteran," "disabled veteran," "reservist," "retiree," or "active duty." The department may specify where the decal may be placed on the license plate. Decals are required to be made available only for standard six-inch by twelve-inch license plates.

~~((5))~~ (4) Armed forces license plates and decals are available only to veterans as defined in RCW 41.04.007, active duty military personnel, reservists, members of the national guard, and the families of veterans and service members. Upon initial application, any purchaser requesting an armed forces license plate and decal will be required to show proof of eligibility by providing: A DD-214 or discharge papers if a veteran; a military identification or retired military identification card; or a declaration of fact attesting to the purchaser's eligibility as required under this section. "Family" or "families" means an individual's spouse, child, parent, sibling, aunt, uncle, or cousin. A child includes stepchild, adopted child, foster child, grandchild, and son or daughter-in-law. A parent includes stepparent, grandparent, and in-laws. A sibling includes brother, half brother, stepbrother, sister, half sister, stepsister, and brother or sister-in-law.

~~((6))~~ (5) The department of veterans affairs must enter into an agreement with the department to reimburse the department for the costs associated with providing military status decals described in subsection ~~((4))~~ (3) of this section.

~~((7))~~ (6) Armed forces license plates are not available free of charge to disabled veterans, former prisoners of war, or spouses of deceased former prisoners of war under the privileges defined in RCW 73.04.110 and 73.04.115.

Sec. 54. RCW 46.16.30922 and 2005 c 220 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Ski & Ride Washington" license plate has been reviewed and approved by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

~~((2))~~ The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing the Washington snowsports industry, that may be used in lieu of regular or personalized license plates for vehicles required to display vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 55. RCW 46.16.30924 and 2005 c 224 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Wild On Washington license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~((2))~~ The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, referred to as "Wild On Washington license plates," that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 56. RCW 46.16.30926 and 2005 c 225 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Endangered Wildlife license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~((2))~~ The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, referred to as "Endangered Wildlife license plates," that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 57. RCW 46.16.30928 and 2005 c 426 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Share the Road" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

~~((2))~~ The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing an organization that promotes bicycle safety and awareness education. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate the life of Cooper Jones.

Lieutenant Governor Appointments and Assignments

Sec. 58. RCW 43.15.020 and 2008 c 152 s 9 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

- ~~((a))~~ ~~((Organized crime advisory board, RCW 43.43.858;~~
~~((b))~~ Civil legal aid oversight committee, RCW 2.53.010;
~~((c))~~ ~~(b)~~ Office of public defense advisory committee, RCW 2.70.030;
~~((d))~~ ~~(c)~~ Washington state gambling commission, RCW 9.46.040;
~~((e))~~ ~~(d)~~ Sentencing guidelines commission, RCW 9.94A.860;
~~((f))~~ ~~(e)~~ State building code council, RCW 19.27.070;
~~((g))~~ ~~(f)~~ Women's history consortium board of advisors, RCW 27.34.365;
~~((h))~~ ~~(g)~~ Financial literacy public-private partnership, RCW 28A.300.450;
~~((i))~~ ~~(h)~~ Joint administrative rules review committee, RCW 34.05.610;
~~((j))~~ ~~(i)~~ Capital projects advisory review board, RCW 39.10.220;
~~((k))~~ ~~(j)~~ Select committee on pension policy, RCW 41.04.276;
~~((l))~~ ~~(k)~~ Legislative ethics board, RCW 42.52.310;
~~((m))~~ ~~(l)~~ Washington citizens' commission on salaries, RCW 43.03.305;
~~((n))~~ ~~(m)~~ Legislative oral history (~~(advisory)~~) committee, RCW ~~((43.07.230))~~ 44.04.325;
~~((o))~~ ~~(n)~~ State council on aging, RCW 43.20A.685;
~~((p))~~ ~~(o)~~ State investment board, RCW 43.33A.020;
~~((q))~~ ~~(p)~~ Capitol campus design advisory committee, RCW 43.34.080;
~~((r))~~ ~~(q)~~ Washington state arts commission, RCW 43.46.015;
~~((s))~~ ~~(r)~~ Information services board, RCW 43.105.032;
~~((t))~~ ~~(s)~~ K-20 educational network board, RCW 43.105.800;
~~((u))~~ ~~(t)~~ Municipal research council, RCW 43.110.010;
~~((v))~~ ~~(u)~~ Council for children and families, RCW 43.121.020;
~~((w))~~ ~~(v)~~ PNWER-Net working subgroup under chapter 43.147 RCW;
~~((x))~~ ~~(w)~~ Community economic revitalization board, RCW 43.160.030;
~~((y))~~ ~~(x)~~ Washington economic development finance authority, RCW 43.163.020;
~~((z))~~ ~~Tourism development advisory committee, RCW 43.330.095;~~
~~((aa))~~ ~~(y)~~ Life sciences discovery fund authority, RCW 43.350.020;
~~((bb))~~ ~~(z)~~ Legislative children's oversight committee, RCW 44.04.220;
~~((cc))~~ ~~(aa)~~ Joint legislative audit and review committee, RCW 44.28.010;
~~((dd))~~ ~~(bb)~~ Joint committee on energy supply and energy conservation, RCW 44.39.015;
~~((ee))~~ ~~(cc)~~ Legislative evaluation and accountability program committee, RCW 44.48.010;
~~((ff))~~ ~~(dd)~~ Agency council on coordinated transportation, RCW 47.06B.020;
~~((gg))~~ ~~(ee)~~ Manufactured housing task force, RCW 59.22.090;
~~((hh))~~ ~~(ff)~~ Washington horse racing commission, RCW 67.16.014;
~~((ii))~~ ~~(gg)~~ Correctional industries board of directors, RCW 72.09.080;
~~((jj))~~ ~~(hh)~~ Joint committee on veterans' and military affairs, RCW 73.04.150;

~~((kk))~~ ~~Washington state parks centennial advisory committee, RCW 79A.75.010;~~
~~((ll))~~ ~~Puget Sound council, RCW 90.71.030;~~
~~((mm))~~ ~~(ii)~~ Joint legislative committee on water supply during drought, RCW 90.86.020;
~~((nn))~~ ~~(jj)~~ Statute law committee, RCW 1.08.001; and
~~((oo))~~ ~~(kk)~~ Joint legislative oversight committee on trade policy, RCW 44.55.020.

NEW SECTION. Sec. 59. (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

NEW SECTION. Sec. 60. Subheadings used in this act are not any part of the law.

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

April 25, 2009

SSB 6122 Prime Sponsor, Committee on Ways & Means
Reducing costs of the elections division of the office of the secretary of state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Beginning on page 1, line 8, strike all of sections 1 and 2
Renumber remaining sections consecutively and correct internal references.

Correct the title.

On page 13, after line 15, insert the following:

"NEW SECTION. Sec. 16. The sums of eighty thousand dollars for the fiscal year ending June 30, 2010, and eighty thousand dollars for the fiscal year ending June 30, 2011, or so much thereof as may be necessary, are appropriated from the state general fund to the office of the secretary of state solely for legal advertising under RCW 29A.52.330."

Correct the title.

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

April 25, 2009

SB 6126 Prime Sponsor, Senator Prentice: Concerning boxing, martial arts, and wrestling events. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 8, strike all of subsection (3) and insert the following:

"(((3) A complimentary ticket may not have a face value of less than the least expensive ticket available for sale to the general public. The number of untaxed complimentary tickets shall be limited to ten percent of the total tickets sold per event location, not to exceed one thousand tickets. All complimentary tickets exceeding this exemption shall be subject to taxation.)))"

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

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

April 25, 2009

SB 6157 Prime Sponsor, Senator Prentice: Calculating compensation for public retirement purposes during the 2009-2011 fiscal biennium. Reported by Committee on Ways & Means

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

April 25, 2009

SSB 6161 Prime Sponsor, Committee on Ways & Means: Addressing the actuarial funding of pension systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

On page 14, line 19, after "system shall be" strike "5.25 percent, of which 1.25" and insert "5.13 percent, of which 1.13"

On page 14, line 24, after "system shall be" strike "7.80 percent, of which 1.25" and insert "7.68 percent, of which 1.13"

On page 14, line 29, after "system shall be" strike "6.17 percent, of which 2.04" and insert "5.98 percent, of which 1.85"

On page 14, line 34, after "system shall be" strike "5.39 percent, of which 1.25" and insert "5.27 percent, of which 1.13"

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

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

Ranking Minority Member; Chandler; Hinkle; Priest; Ross; Schmick and Seaquist.

April 25, 2009

ESB 6166 Prime Sponsor, Senator Hargrove: Concerning the sale of timber from state trust lands. Reported by Committee on Ways & Means

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

April 25, 2009

SB 6167 Prime Sponsor, Senator Kline: Concerning crimes against property. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

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

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were placed on the second reading calendar with the exception of HOUSE BILL NO. 2376 which was referred to the Committee on Rules.

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

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 5499, and the bill was placed on the second reading calendar.

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President has 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,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1238, and passed the bill without said amendment, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1527, and passed the bill without said amendment, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
 SENATE BILL NO. 5354,
 SUBSTITUTE SENATE BILL NO. 5431,
 SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5777,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
 SUBSTITUTE SENATE BILL NO. 5913,
 SENATE BILL NO. 6173,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1287 and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Swecker, Benton and Parlette)

Improving budget transparency by consolidating accounts into the state general fund.

The bill was read the second time.

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

Representatives Dunshee and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5073.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5073 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Roach.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2357, by Representative Cody

Concerning modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor.

The bill was read the second time.

Representative Cody moved the adoption of amendment (933):

On page 9, after line 21, insert:
"NEW SECTION. Sec. 4 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Cody and Alexander spoke in favor of the adoption of the amendment.

Amendment (933) 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 Cody 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 House Bill No. 2357.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2357 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

ENGROSSED HOUSE BILL NO. 2357, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6002, by Senators Keiser and Pridemore

Abolishing the Washington state quality forum.

The bill was read the second time.

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

Representatives Cody 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 Senate Bill No. 6002.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6002 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6002, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6121, by Senators Tom, Zarelli and Keiser

Regarding the surcharge to fund biotoxin testing and monitoring.

The bill was read the second time.

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

Representatives Chase 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 Senate Bill No. 6121.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6121 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6121, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6165, by Senators Ranker, Rockefeller, Tom and Jarrett

Allowing greater use of short boards for appeals before the shorelines hearings board.

The bill was read the second time.

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

Representatives Hunt 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 Senate Bill No. 6165.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6165 and the bill passed the House by the following vote: Yeas, 83; Nays, 12; Absent, 0; Excused, 3.

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

Voting nay: Representatives Anderson, Angel, Condotta, Cox, Crouse, Herrera, Hinkle, McCune, Orcutt, Shea, Short and Taylor.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6165, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 6165.

KIRK PEARSON, 39th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 6165.

DAN KRISTIANSEN, 39th District

SECOND READING

SENATE BILL NO. 6168, by Senators Tom and Prentice

Reducing costs in state elementary and secondary education programs.

The bill was read the second time.

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

Representatives Haigh 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 Senate Bill No. 6168.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6168 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6168, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6172, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Ranker)

Eliminating the oil spill advisory council. Revised for 1st Substitute: Suspending the powers and duties of the oil spill advisory council for the 2009-2011 biennium.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

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 Hunt 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 Substitute Senate Bill No. 6172, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6172, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

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

Voting nay: Representatives Dunshee, Nelson, Rolfes, Simpson, Sullivan, Van De Wege and Williams.

Excused: Representatives Armstrong, Hasegawa and Roach.

SUBSTITUTE SENATE BILL NO. 6172, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6179, by Senators Tom, Fairley and Prentice

Concerning chemical dependency specialist services.

The bill was read the second time.

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

Representatives Kagi 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 Senate Bill No. 6179.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6179 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6179, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6181, by Senators Tom, Prentice and Fairley

Concerning the intensive resource home pilot.

The bill was read the second time.

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

Representatives Kagi and Dammeier 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. 6181.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6181 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6181, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5421,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

**SUPPLEMENTAL
INTRODUCTION AND FIRST READING**

ESSB 5421 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette, Jacobsen, Rockefeller, Swecker, Hargrove, Shin and Marr)

AN ACT Relating to creating the Columbia river recreational salmon and steelhead pilot stamp program; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.32 RCW; creating new sections; providing an effective date; and providing an expiration date.

SUBSTITUTE HOUSE BILL NO. 2356,
ENGROSSED HOUSE BILL NO. 2358,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

ESSB 6180 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Tom and Prentice)

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

AN ACT Relating to the training and background checks of long-term care workers; amending RCW 74.39A.009, 74.39A.055, 18.20.125, 18.88B.030, 43.20A.710, 43.43.837, 74.39A.050, 74.39A.095, 74.39A.260, 74.39A.073, 74.39A.075, 74.39A.340, 74.39A.350, 74.39A.085, 18.88B.040, 18.88A.115, 18.88B.050, and 18.88B.020; and providing an effective date.

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338 with the following amendment:

On page 7, line 23, after "(6)" strike "additional methods of improving compliance with the growth management act that may reduce costs to all parties" and insert "the costs and benefits of complying with the growth management act, including full costs to local governments of defending appeals and their success rate"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were read the first time, and under suspension of the rules were placed on the second reading calendar.

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

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

SENATE AMENDMENT TO HOUSE BILL

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338 and asked the Senate to recede therefrom.

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

April 25, 2009

Mr. Speaker:

The Senate receded from its 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:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5285, and passed the bill as amended by the Senate, and the same is herewith transmitted.

Thomas Hoemann, Secretary

Strike everything after the enacting clause and insert the following:

April 25, 2009

Mr. Speaker:

"**NEW SECTION. Sec. 1.** The legislature recognizes that 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.

The President has signed the following:

SENATE BILL NO. 5359,

SENATE BILL NO. 5470,

SENATE BILL NO. 5525,

SUBSTITUTE SENATE BILL NO. 5684,

SUBSTITUTE SENATE BILL NO. 5734,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,

ENGROSSED SENATE BILL NO. 5894,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6108,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6169,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

April 25, 2009

Mr. Speaker:

(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;

The Senate has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,

(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 remediating 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."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 90.58 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 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 and advanced the bill as amended by the Senate to final passage.

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

Representative Seaquist 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. 1379, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1379, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille,

DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, 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, 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, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, 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. 1379.

NORMA SMITH, 10th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379.

BARBARA BAILEY, 10th District

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619. 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:

On page 1, line 3 of the title, after "28A.320.330;" insert "and" On page 1, line 3 of the title, after "section" strike "; and providing an expiration date"

On page 1, beginning on line 5, strike section 1, through page 2 line 3, and renumber the sections consecutively.

On page 2, line 35, after "major repairs," insert "exterior painting of facilities,"

On page 4, line 12, after "service regulations," insert "Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund."

On page 5, line 16, strike "**NEW SECTION.** Sec. 4. This act expires July 1, 2013."

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. 1619 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1619, as amended by the Senate.

MOTION

On motion of Representative Hinkle, Representative Walsh was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, 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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782. 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 finds that when children have been found dependent and placed in out-of-home care, the likelihood of reunification with their parents diminishes significantly after fifteen months. The legislature also finds that early and consistent parental engagement in services and participation in appropriate parent-child contact and visitation increases the likelihood of successful reunifications. The legislature intends to promote greater awareness among parents in dependency cases of the importance of active participation in services, visitation, and case planning for the child, and the risks created by failure to participate in their child's case over the long term.

Sec. 2. RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are each reenacted and amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty- four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

- (1) Notify the child's school that the child is in out-of-home placement;
- (2) Enroll the child in school;
- (3) Request the school transfer records;
- (4) Request and authorize evaluation of special needs;
- (5) Attend parent or teacher conferences;
- (6) Excuse absences;
- (7) Grant permission for extracurricular activities;
- (8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and
- (9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of social and health services or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another

parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or ~~(legal)~~ custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 3. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the

home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the

child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 4. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a

permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in

out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal

custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 5. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the

parent to receive and complete treatment or documented multiple failed treatment attempts; (~~or~~)

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.065, 13.34.145, and 13.34.180; reenacting and amending RCW 13.34.062; 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 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman 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. 1782, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1782, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, 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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2331 with the following amendments:

On page 1, line 8, strike "~~((ten))~~ thirty" and insert "ten"

On page 1, line 10, after "law." Insert "During the 2009-11 and 2011-13 biennia, the surcharge shall be thirty dollars."

On page 2, after "to" on line 25, insert "(a)"

On page 2, after "trust" on line 26, insert ", or (b) documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law"

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 amendments to HOUSE BILL NO. 2331 and advanced the bill as amended by the Senate to final passage.

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

Representative Darneille 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 House Bill No. 2331, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2331, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Haigh, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, 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, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson,

Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

HOUSE BILL NO. 2331, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2346 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15 are each reenacted and amended to read as follows:

(1) A child admitted to a secure facility located in a juvenile detention center shall remain in the facility for at least twenty-four hours after admission but for not more than five consecutive days. ~~((If the child admitted under this section is transferred between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission.))~~ A child admitted to a secure facility not located in a juvenile detention center or a semi-secure facility may remain for not more than fifteen consecutive days. If a child is transferred between a secure and semi-secure facility, the aggregate length of time a child may remain in both facilities shall not exceed fifteen consecutive days per admission, and in no event may a child's stay in a secure facility located in a juvenile detention center exceed five days per admission.

(2)(a)(i) The facility administrator shall determine within twenty- four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes

that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time (~~during the five-day period~~) unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of admission, and if the administrator of the center does not consider it likely that reconciliation will be achieved within (~~the five-day period~~) five days of the child's admission to the center, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out- of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. The administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and any person employed at the center acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

Sec. 2. RCW 74.13.0321 and 1995 c 312 s 61 are each amended to read as follows:

No contract may provide reimbursement or compensation to:

(1) A (~~crisis residential center's~~) secure facility located in a juvenile detention center for any service delivered or provided to a resident child after five consecutive days of residence; or

(2) A secure facility not located in a juvenile detention center or a semi-secure crisis residential center facility for any service delivered or provided to a resident child after fifteen consecutive days of residence.

Sec. 3. RCW 74.13.033 and 2000 c 162 s 16 are each amended to read as follows:

(1) If a resident of a crisis residential center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations

establishing additional procedures for dealing with severely disruptive children on the premises.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed (~~five~~) fifteen consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the (~~facility~~) center staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed (~~five~~) fifteen consecutive days (~~on the premises~~). Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed (~~five~~) fifteen consecutive days.

Sec. 4. RCW 74.13.034 and 2000 c 162 s 17 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed (~~five~~) fifteen consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

NEW SECTION. Sec. 5. A new section is added to chapter 13.32A RCW to read as follows:

The department may take a runaway youth to a secure facility after attempting to notify the parent of the child's whereabouts. The department may not take a child to a secure facility if the department has reasonable cause to believe that the reason for the child's runaway status is the result of abuse or neglect."

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 74.13.0321, 74.13.033, and 74.13.034; reenacting and amending RCW 13.32A.130; and adding a new section to chapter 13.32A 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. 2346 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. 2346, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2346, 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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE HOUSE BILL NO. 2346, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The President ruled that the House amendment is outside the "scope and object" of the matter. The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5510 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

SUBSTITUTE SENATE BILL NO. 5510, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Swecker and Shin)

Regarding notification in dependency matters.

Representative Kagi moved the adoption of amendment (888):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 13.34 RCW to read as follows:

(1) After entry of a dispositional order pursuant to RCW 13.34.130 ordering placement of a child in out-of-home care, the department shall continue to encourage the parent, guardian, or custodian of the child to engage in services and maintain contact with the child, which shall be accomplished by attaching a standard notice to the services and safety plan to be provided in advance of hearings conducted pursuant to RCW 13.34.138.

(2) The notice shall be photocopied on contrasting paper to distinguish it from the services and safety plan to which it is attached, and shall be in substantially the following form:

"NOTICE

If you have not been maintaining consistent contact with your child in out-of-home care, your ability to reunify with your child may be jeopardized. If this is your situation, you need to be aware that you have important legal rights and must take steps to protect your interests.

1. The department of social and health services (or other supervising agency) and the court have created a permanency plan for your child, including a primary placement plan and a secondary placement plan, and recommending services needed before your child can be placed in the primary or secondary placement. If you want the court to order that your child be reunified with you, you should notify your lawyer and the department, and you should carefully comply with court orders for services and participate regularly in visitation with your child. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your rights as a parent.

2. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department, and the court if you want to be the secondary placement option, and you should comply with any court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

3. Dependency review hearings, and all other dependency case hearings, are legal proceedings with potentially serious consequences. Failure to participate, respond, or comply with court orders may lead to the loss of your parental rights. ""

Correct the title.

Representatives Kagi and Haler spoke in favor of the adoption of the amendment.

Amendment (888) 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 Goodman and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5510, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5510, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, 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, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville,

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

Voting nay: Representatives Alexander and DeBolt.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 5510, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5510.

RICHARD DEBOLT, 20th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5510.

GARY ALEXANDER, 20th District

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6171, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Concerning savings in programs under the supervision of the department of health.

Representative Campbell moved the adoption of amendment (935):

On page 11, beginning on line 23, strike all of section 11
Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Campbell and Chase spoke in favor of the adoption of the amendment.

Amendment (935) 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 Cody 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 Substitute Senate Bill No. 6171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6171, 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, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 6171, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5499, by Senate Committee on Transportation (originally sponsored by Senators Jarrett, Swecker, Haugen, Marr and Shin)

Concerning bond amounts for department of transportation highway contracts.

Representative Hudgins moved the adoption of amendment (491):

On page 3, line 25, after "project," insert "Before the secretary may approve any bond authorized to be less than the full contract price of a project, the office of financial management shall review and approve the analysis supporting the amount of the bond set by the department to ensure that one hundred percent of the state's exposure to loss is adequately protected."

Representatives Hudgins and Rodne spoke in favor of the adoption of the amendment.

Amendment (491) was adopted.

With the consent of the House, amendment (492) was withdrawn.

Representative Hudgins moved the adoption of amendment (934):

On page 4, after line 5, insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 39.08 RCW to read as follows:

In consultation with the director of the office of financial management and the secretary of the department of transportation, the governor shall approve any contract and bond amount authorized

with respect to contracts in which the department intends to authorize bonds under RCW 39.08.030 in an amount less than the full contract price of the contract."

Renumber remaining section consecutively, correct internal references accordingly, and correct the title.

Representatives Hudgins and Rodne spoke in favor of the adoption of the amendment.

Amendment (934) 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 Liias 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 Senate Bill No. 5499, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5499, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

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

Voting nay: Representatives Anderson and Eddy.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 5499, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5421, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette, Jacobsen, Rockefeller, Swecker, Hargrove, Shin and Marr)

Establishing the upper Columbia river recreational salmon and steelhead pilot stamp program. Revised for 1st Substitute: Creating the Columbia river recreational salmon and steelhead pilot stamp program.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5421.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5421 and the bill passed the House by the following vote: Yeas, 77; Nays, 17; Absent, 0; Excused, 4.

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

Voting nay: Representatives Anderson, Angel, Chandler, Crouse, Grant-Herriot, Haler, Herrera, Johnson, Kristiansen, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short and Taylor.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5421, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5421.

MIKE HOPE, 44th District

SECOND READING

ENGROSSED SENATE BILL NO. 5915, by Senators Prentice and Fairley

Authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent. (REVISED FORENGROSSED: Authorizing emergency rule making when necessary to implement budget appropriations and reductions.)

The bill was read the second time.

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

Representatives Linville 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 Senate Bill No. 5915.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5915 and the bill passed the House by the following vote: Yeas, 57; Nays, 37; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, 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, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Warnick and Williams.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SENATE BILL NO. 5915, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6122, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli and Brandland)

Reducing costs of the elections division of the office of the secretary of state.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

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 Hunt 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 Substitute Senate Bill No. 6122, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6122, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 4; 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, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Grant-Herriot, Lias, Morrell and Probst.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 6122, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6126, by Senators Prentice and Tom

Concerning boxing, martial arts, and wrestling events.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

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 Linville spoke in favor of the passage of the bill.

Representative Hinkle spoke against 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. 6126, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6126, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 0; Excused, 4.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SENATE BILL NO. 6126, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6157, by Senators Prentice, Tom, Hobbs and Fraser

Calculating compensation for public retirement purposes during the 2009-2011 fiscal biennium.

The bill was read the second time.

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

Representatives Ericks 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 Senate Bill No. 6157.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6157 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, Kirby, 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, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SENATE BILL NO. 6157, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Tom and Prentice)

Relating to home care workers. Revised for 1st Substitute: Concerning the training and background checks of long-term care workers.

The bill was read the second time.

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

Representatives Cody 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 Engrossed Substitute Senate Bill No. 6180.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6180 and the bill passed the House by the following vote: Yeas, 72; Nays, 22; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Darnelle, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Chandler, Cox, Crouse, Dammeier, Driscoll, Ericksen, Herrera, Hinkle, Hope, Johnson, McCune, Morrell, Parker, Pearson, Rodne, Ross, Schmick, Shea, Smith and Taylor.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6161, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Relating to the actuarial funding of pension systems. Revised for 1st Substitute: Addressing the actuarial funding of pension systems.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

Representative Anderson moved the adoption of amendment (939):

On page 1, beginning on line 7, strike all of section 1 and insert the following:

"Sec. 1. RCW 41.45.010 and 2005 c 370 s 4 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and firefighters' retirement systems, chapter 41.26 RCW; the school employees' retirement system, chapter 41.35 RCW; the public safety employees' retirement system, chapter 41.37

RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

~~((The legislature finds that the funding status of the state retirement systems has improved dramatically since 1989. Because of the big reduction in unfunded pension liabilities, it is now prudent to adjust the long-term economic assumptions that are used in the actuarial studies conducted by the state actuary. The legislature finds that it is reasonable to increase the salary growth assumption in light of Initiative Measure No. 732, to increase the investment return assumption in light of the asset allocation policies and historical returns of the state investment board, and to reestablish June 30, 2024, as the target date to achieve full funding of all liabilities in the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and firefighters' retirement system plan 1.))~~

The funding process established by this chapter is intended to achieve the following goals:

(1) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the law enforcement officers' and firefighters' retirement system plan 2 as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and firefighters' retirement system plan 1, not later than June 30, ~~((2024))2020~~;

(3) To establish long-term employer contribution rates which will remain a relatively predictable proportion of the future state budgets; and

(4) To fund, to the extent feasible, benefit increases for plan 1 members and all benefits for plan 2 and 3 members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service."

On page 4, beginning on line 5, strike all of sections 3 through 8.

Renumber the remaining sections consecutively and correct the title.

Representatives Anderson and Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (939) was not adopted.

Representative Anderson moved the adoption of amendment (940):

On page 3, line 7, after "shall be" strike "8" and insert ~~((8))7.25~~"

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

Representative Conway spoke against the adoption of the amendment.

Amendment (940) was not 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 Conway and Seaquist spoke in favor of the passage of the bill.

Representatives Bailey, Smith and Anderson 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. 6161, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6161, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 0; Excused, 4.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Maxwell, McCune, Morrell, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Sells, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 6161, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6166, by Senators Hargrove, Ranker, Rockefeller, Jacobsen and Morton

Concerning the sale of timber from state trust lands.

The bill was read the second time.

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

Representatives Blake, Orcutt and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6166.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6166 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, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SENATE BILL NO. 6166, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6167, by Senators Kline, Regala and Hargrove

Concerning crimes against property.

The bill was read the second time.

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

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

Representative Pearson spoke against 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. 6167.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6167 and the bill passed the House by the following vote: Yeas, 53; Nays, 41; Absent, 0; Excused, 4.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, Maxwell, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SENATE BILL NO. 6167, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5537, by Senate Committee on Ways & Means (originally sponsored by Senator Fraser)

Eliminating the statutory debt limit.

With the consent of the House, amendment (691) was withdrawn.

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

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

Representative Warnick 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. 5537.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 1; Excused, 3.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Goodman, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace and Warnick.

Absent: Representative Sells.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 5537, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SUBSTITUTE SENATE BILL NO. 5537.

MIKE SELLS, 38th District

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE BILL NO. 1238

- SUBSTITUTE HOUSE BILL NO. 1239
- HOUSE BILL NO. 1287
- SUBSTITUTE HOUSE BILL NO. 1292
- SUBSTITUTE HOUSE BILL NO. 1332
- SUBSTITUTE HOUSE BILL NO. 1420
- SECOND SUBSTITUTE HOUSE BILL NO. 1481
- HOUSE BILL NO. 1527
- HOUSE BILL NO. 1579
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701
- SUBSTITUTE HOUSE BILL NO. 1751
- SUBSTITUTE HOUSE BILL NO. 1758
- SUBSTITUTE HOUSE BILL NO. 1845
- SUBSTITUTE HOUSE BILL NO. 1869
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211
- ENGROSSED HOUSE BILL NO. 2242
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254
- SUBSTITUTE HOUSE BILL NO. 2339
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344
- SUBSTITUTE HOUSE BILL NO. 2356
- ENGROSSED HOUSE BILL NO. 2358
- SENATE BILL NO. 5359
- SENATE BILL NO. 5470
- SENATE BILL NO. 5525
- SUBSTITUTE SENATE BILL NO. 5684
- SUBSTITUTE SENATE BILL NO. 5734
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5768
- SUBSTITUTE SENATE BILL NO. 5840
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5892
- ENGROSSED SENATE BILL NO. 5894
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6108
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6169

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 26, 2009, the 105th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

