

ONE-HUNDREDTH FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 18, 2007

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

The Sergeant at Arms Color Guard consisting of Pages Anna Boyd and Kacy Braunschwig, presented the Colors. High Priest Jim Erlandson of the Community of Christ Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Morton, Senators Brandland, Delvin and Swecker were excused.

MOTION

On motion of Senator Marr, Senators Berkey, Haugen, Kauffman, Poulsen and Regala were excused.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 17, 2007
SGA 9116 ELMIRA FORNER, reappointed July 1, 2006, for the term ending June 30, 2012, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kilmer, Spanel and Swecker

April 17, 2007
SGA 9266 RICHARD FORD, reappointed July 1, 2007, for the term ending June 30, 2013, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kilmer, Spanel and Swecker

MOTION

On motion of Senator Rockefeller, the rules were suspended and the Gubernatorial Appointments on the days Standing Committee Report were placed on the second reading calendar.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032. The Speaker has appointed the following members as Conferees:

Representatives Cody, Curtis and Hudgins.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

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

ENGROSSED HOUSE BILL NO. 1413,
HOUSE BILL NO. 1476,
SECOND SUBSTITUTE HOUSE BILL NO. 1506,
SUBSTITUTE HOUSE BILL NO. 1777,
HOUSE BILL NO. 2135,
SUBSTITUTE HOUSE BILL NO. 2209,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5092,
SENATE BILL NO. 5551,
SUBSTITUTE SENATE BILL NO. 5634,
SUBSTITUTE SENATE BILL NO. 5639,
SECOND SUBSTITUTE SENATE BILL NO. 5652,
SUBSTITUTE SENATE BILL NO. 5653,
SUBSTITUTE SENATE BILL NO. 5674,
ENGROSSED SENATE BILL NO. 5675,
SUBSTITUTE SENATE BILL NO. 5702,
SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5721,
SUBSTITUTE SENATE BILL NO. 5731,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5774,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5828,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5836,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5859,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5862,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5915,
SENATE BILL NO. 5926,
SECOND SUBSTITUTE SENATE BILL NO. 5995,
SECOND SUBSTITUTE SENATE BILL NO. 6016,
SENATE BILL NO. 6119,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,

MOTION

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

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation

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of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION
8680

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

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

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

WHEREAS, 2007 marks the Seventy-fourth annual Daffodil Festival; and

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

WHEREAS, The Festival 2007 events are ongoing and will culminate in the April 21, 2007, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes Queen Michele Wood, Sumner High School; and princesses Gabrielle Baldwin, Eatonville High School; Kaitlyn Broberg, Puyallup High School; Erin James, Emerald Ridge High School; Luxi Salmon, Rogers High School; Kalinda Nunnally, Orting High School; Jasmyne Walton, Wilson High School; Nicole Hicks, Bonney Lake High School; Karen Rogers, Graham Kapowsin High School; Vena Samoa, Washington High School; Lauren Edholm, Bethel High School; Sanya Dhermy, Stadium High School; Sharelle Pampo, Spanaway Lake High School; Myriah Johnson, Clover Park High School; Katrina LittleDog, Chief Leschi High School; LaToya Tidwell, Franklin Pierce High School; Stacey Michel, Henry Foss High School; Jillian Morris, Lakes High School; Lauren Fleming, Fife High School; Morgan Garlock, Curtis High School; Alessandra Jadwin, Lincoln High School; and Kirsten Gabbard, Mount Tahoma High School;

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

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2007 Daffodil Festival Officers and to the members of the Festival royalty.

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 2007 Daffodil Festival Royal Court who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Daffodil Queen Michele Wood, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Daffodil Queen Michele Wood to address the Senate.

REMARKS BY QUEEN MICHELE WOOD

Queen Michele Wood: "Good morning, my name is Michele Wood and I'm from Sumner High School. On behalf of these lovely princess's and the Daffodil Festival I would like to thank you all for inviting us to attend today. It is quite an honor to be standing on the floor of the Washington State Senate and I know it is a once in a life time experience. It was great to hear your personal stories about what the Daffodil Festival means to you. It is kind of unfortunate that you guys will be working so hopefully you're able to sneak out early this Saturday or maybe next year and create some memories of your own because it is an amazing tradition and it's something that ties all the Pierce County communities together. Thank you again for having us and hopefully you're able to come and attend one of our parades. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Thank you very much Queen Michele and the President is quite pleased to see the saxophone on the pin this year as he marched in the Daffodil Parade. Forty-one and forty years playing the saxophone. Thank you all for being here."

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION
8683

By Senators Kastama, Regala, Murray, Hobbs, Hatfield, Schoesler, Berkey, Parlette, Keiser, Rasmussen, Prentice, Honeyford, Zarelli, Clements, Carrell, Kline and Kilmer

WHEREAS, The Republic of the Philippines had a consulate in Seattle, Washington, to serve the large Filipino-American community in the Pacific Northwest; and

WHEREAS, Washington is a significant trading partner with the Philippines, being the 12th largest trading partner with the Philippines by dollar volume; and

WHEREAS, There are more than 65,000 Filipino-Americans in Washington state with strong family and commercial ties to the Philippines; and

WHEREAS, Reestablishing a consulate here will strengthen economic, cultural, and tourism ties to the Philippines; and

WHEREAS, With the establishment of a Philippine Consulate in the state of Washington we can eliminate the inconveniences of having to travel to San Francisco to obtain visas, trade documents, and other essential consular assistance; and

WHEREAS, We support the proposal of President Gloria Macapagal-Arroyo to establish a consulate in the Western United States; and, that should such a consulate be established, the location would be in Seattle, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington officially recognize the valuable contribution that a Philippine Consulate could have for the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the

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Senate to the Honorable George W. Bush, President of the United States, the Honorable Gloria Macapagal-Arroyo, President of the Republic of the Philippines, Condoleezza Rice, Secretary of State of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

Senators Kastama, Prentice, Honeyford, Shin, Kline, Franklin and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced leaders of the local Filipino-American community: Mr. Alex Borromeo, President of the Filipino Chamber of Commerce of the Pacific Northwest; Mr. Bert Caoili, President of the Filipino Community of Seattle; Ms. Alma Quintans Kern, National Chair of the National Federation of Filipino American Associations; Dr. Abel P. Borromeo, President of the Cebu Alumni Association; and former State Representative Velma Veloria who were present in the gallery.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9241, Rajiv Shah, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Hobbs was excused.

APPOINTMENT OF RAJIV SHAH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9241, Rajiv Shah as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9241, Rajiv Shah as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

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Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9241, Rajiv Shah, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9235, Donald Root, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown, Poulsen and Prentice were excused.

APPOINTMENT OF DONALD ROOT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9235, Donald Root as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9235, Donald Root as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Poulsen and Prentice - 3

Gubernatorial Appointment No. 9235, Donald Root, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9074, Richard Van Hollebeke; Gubernatorial Appointment No. 9167, Quentin Powers; and Gubernatorial Appointment No.

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9195, Jeannette Wood as members of the Board of Trustees, Edmonds Community College District No. 23, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF RICHARD VAN HOLLEBEKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9074, Richard Van Hollebeke; Gubernatorial Appointment No. 9167, Quentin Powers; and Gubernatorial Appointment No. 9195, Jeannette Wood as members of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

On motion of Senator Regala, Senators Shin and Spanel were excused.

MOTION

On motion of Senator Parlette, Senator Swecker was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9074, Richard Van Hollebeke as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Tom, Weinstein and Zarelli - 44

Excused: Senators Poulsen, Prentice, Shin, Spanel and Swecker - 5

APPOINTMENT OF QUENTIN POWERS

Senator Rockefeller spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9167, Quentin Powers as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Tom, Weinstein and Zarelli - 44

Excused: Senators Poulsen, Prentice, Shin, Spanel and Swecker - 5

APPOINTMENT OF JEANNETTE WOOD

Senator Franklin spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9195, Jeannette Wood as a member of the Board of Trustees, Edmonds Community College

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District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Tom, Weinstein and Zarelli - 44

Excused: Senators Poulsen, Prentice, Shin, Spanel and Swecker - 5

Gubernatorial Appointment No. 9074, Richard Van Hollebeke; Gubernatorial Appointment No. 9167, Quentin Powers and Gubernatorial Appointment No. 9195, Jeannette Wood having received the constitutional majority was declared confirmed as members of the Board of Trustees, Edmonds Community College District No. 23.

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, I thought it was worth it for this body to be aware, and for all the members to be aware, that with the passage of the following gubernatorial appointment this body will have been caught up one-hundred percent with all gubernatorial appointments. We all hate seeing time used on all of these gubernatorial appointments and yet, when we have ones from our own areas, we all nag somebody to get them to the floor. I just thought it was worth it to pause momentarily and recognize the esteemed gentleman from the Twenty-Third District for working these gubernatorial appointments for us and the Governor the past few months. Thank you, Phil."

PERSONAL PRIVILEGE

Senator Eide: "Thank you. Well, I have to stand up and say, couldn't do this job without the fine fellow that sits next to me. He's done an outstanding job on keeping this gubernatorial appointments moving along and I may remind the members that there were several years we didn't even pass one gubernatorial appointment. So, this is quite a feat and thank you, my kind sir."

MOTION

At 10:34 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:40 a.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9116, Elmira Fomer, as a member of the Transportation Commission, be confirmed.

Senators Marr and Parlette spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senators Hobbs and Kauffman were excused.

MOTION

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On motion of Senator Delvin, Senator Benton was excused.

MOTION

On motion of Senator Regala, Senators Brown, Fraser and Poulsen were excused.

APPOINTMENT OF ELMIRA FORNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9116, Elmira Forner, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9116, Elmira Forner, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senators Kastama and Rasmussen - 2

Excused: Senators Brown and Shin - 2

Gubernatorial Appointment No. 9116, Elmira Forner, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9266, Richard Ford, as a member of the Transportation Commission, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

APPOINTMENT OF RICHARD FORD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9266, Richard Ford, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9266, Richard Ford as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9266, Richard Ford, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

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

MESSAGE FROM THE HOUSE

April 13, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, with the following amendment: 5659-S2.E AMH ENGR H3529.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS. The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of parent-child bonding, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for a child while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current state and federal family and medical leave laws.

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

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family and medical leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Calendar quarter" means the same as in RCW 50.04.050.

(3) "Child" means the same as in RCW 49.78.020.

(4) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(5) "Employment" means the same as in RCW 50.04.100.

(6) "Family and medical leave" means leave for the birth or placement of a child as defined in RCW 49.78.020 and described in RCW 49.78.220(1) (a) or (b).

(7) "Family and medical leave insurance benefits" means the benefits payable under section 3 of this act.

(8) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

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(9) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

NEW SECTION. Sec. 3. BENEFITS. (1) Beginning October 1, 2009, family and medical leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family and medical leave if the individual has been employed for at least six hundred eighty hours in employment during the individual's qualifying year.

(2) The maximum number of weeks during which family and medical leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family and medical leave.

(3) The amount of family and medical leave insurance benefits shall be determined as follows:

(a) The weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week.

(b) For an individual who was regularly working thirty-five hours or more per week at the time of beginning family and medical leave and is on family and medical leave for less than thirty-five hours but at least eight hours in a week, the weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family and medical leave taken in the week.

(c) For an individual who was regularly working less than thirty-five hours per week at the time of beginning family and medical leave, there shall be a prorated schedule for a weekly benefit amount and a minimum number of hours of family and medical leave that must be taken in a week for benefits to be payable. The prorated schedule shall be based on the amounts and the calculations specified under (a) and (b) of this subsection.

NEW SECTION. Sec. 4. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT. This act does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this act at any time, and a benefit or other right granted under this act exists subject to the legislature's power to amend or repeal this act. There is no vested private right of any kind against such amendment or repeal.

NEW SECTION. Sec. 5. LEAVE AND EMPLOYMENT PROTECTION. (1) Beginning October 1, 2009, during a period in which an individual receives family and medical leave insurance benefits or earns waiting period credits under this act, the individual is entitled to family and medical leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) The individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual if:

(a) The employer from whom the individual takes family and medical leave employs more than twenty-five employees; and

(b) The individual has been employed for at least twelve months by that employer, and for at least one thousand two hundred fifty hours of service with that employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

NEW SECTION. Sec. 6. COORDINATION OF LEAVE. (1)(a) Leave taken under this act must be taken concurrently with any leave taken under the federal family and medical leave

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act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) or under chapter 49.78 RCW.

(b) An employer may require that leave taken under this act be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or employer policy, as applicable, for the birth or placement of a child. The employer must give individuals in its employ written notice of this requirement.

(2)(a) This act does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater leave for the birth or placement of a child.

(b) An individual's right to leave under this act may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this act is void as against public policy.

NEW SECTION. Sec. 7. ADMINISTRATIVE COSTS. Beginning July 1, 2011, the costs of administering this act may not exceed ten percent of the total costs of family and medical leave insurance benefits.

NEW SECTION. Sec. 8. JOINT LEGISLATIVE TASK FORCE. (1)(a) The joint legislative task force on family and medical leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, and one member representing women.

(vi) The governor shall appoint one member of the task force.

(b) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint the cochair of the task force from among the legislative members of the task force. The cochair shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force shall advise the cochair on the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family and medical leave insurance program including, but not limited to, the following:

(a) The manner in which the benefits and the administrative costs should be financed;

(b) The manner in which the program should be implemented and administered;

(c) Any government efficiencies which should be adopted to improve program administration and reduce program costs; and

(d) The impacts, if any, of the family and medical leave insurance program on the unemployment compensation system, and options for mitigating such impacts.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing

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an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

NEW SECTION. Sec. 9. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. EFFECTIVE DATE. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5659 and the House amendment(s) thereto: Senators Brown, Holmquist and Keiser.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

At 11:56 a.m., on motion of Senator Eide, the Senate was recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House has passed the following bills:
SECOND SUBSTITUTE SENATE BILL NO. 5164,
and the same is herewith transmitted.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5312. The Speaker has appointed the following members as Conferees:

Representatives Morrell, Hurst and Warnick and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5248,
SENATE BILL NO. 5552,
ENGROSSED SENATE BILL NO. 5669,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6001

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5063,
SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5202,
SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5320,
SUBSTITUTE SENATE BILL NO. 5435,
SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5647,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,
SUBSTITUTE SENATE BILL NO. 5881,
SUBSTITUTE SENATE BILL NO. 5937,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958
SUBSTITUTE SENATE BILL NO. 5987,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6099,
SUBSTITUTE SENATE BILL NO. 6100,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117,
ENGROSSED SENATE BILL NO. 6128,

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9219, Jane L. Jacobsen, as a member of the Columbia River Gorge Commission, be confirmed.

Senators Rockefeller, Zarelli and Benton spoke in favor of the motion.

MOTION

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On motion of Senator Brandland, Senator Pflug was excused.

MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

APPOINTMENT OF JANE L. JACOBSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9219, Jane L. Jacobsen, as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9219, Jane L. Jacobsen, as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senators Jacobsen and Kline - 2

Excused: Senators Brown, Pflug and Pridemore - 3

Gubernatorial Appointment No. 9219, Jane L. Jacobsen, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

MOTION

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

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION 8689

By Senator Haugen

WHEREAS, The Shifty Sailors are a folk music group who hail from Whidbey Island; and

WHEREAS, For 12 years the Shifty Sailors have been enlightening people with their music; and

WHEREAS, The Shifty Sailors were founded by chance when someone asked Vern Olson to provide music for an event in Coupeville; and

WHEREAS, The members of the Shifty Sailors include active and retired doctors, teachers, engineers, and counselors; and

WHEREAS, The Shifty Sailors entertain and educate their audience as they sing of the maritime history of the Puget Sound, the country, and the world; and

WHEREAS, The group has worked to preserve the heritage of sailing ships, folklore, and songs of the sea through their music; and

WHEREAS, The Shifty Sailors have recorded three exceptional albums full of entertaining music; and

WHEREAS, The Shifty Sailors have done extensive work with children and are currently working on an album with both

Shifty Sailors' members and children from elementary schools around Whidbey Island, with all the proceeds going to children's music education; and

WHEREAS, The Shifty Sailors have performed at locations around the world including England, Ireland, France, and Germany; and

WHEREAS, The group will soon embark on a maritime heritage tour that takes the sounds of the Pacific Northwest to the shores of the Atlantic;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Shifty Sailors for their musical accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Shifty Sailors.

Senator Haugen spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8689.

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

MOTION

At 2:16 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:42 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The Speaker has signed:

- HOUSE BILL NO. 1005,
- SUBSTITUTE HOUSE BILL NO. 1029,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050,
- HOUSE BILL NO. 1065,
- SUBSTITUTE HOUSE BILL NO. 1082,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,
- HOUSE BILL NO. 1166,
- SECOND SUBSTITUTE HOUSE BILL NO. 1201,
- ENGROSSED HOUSE BILL NO. 1217,
- HOUSE BILL NO. 1224,
- SUBSTITUTE HOUSE BILL NO. 1233,
- SUBSTITUTE HOUSE BILL NO. 1244,
- SUBSTITUTE HOUSE BILL NO. 1259,
- SUBSTITUTE HOUSE BILL NO. 1267,
- SUBSTITUTE HOUSE BILL NO. 1276,
- SUBSTITUTE HOUSE BILL NO. 1287,
- HOUSE BILL NO. 1293,
- SUBSTITUTE HOUSE BILL NO. 1298,
- SUBSTITUTE HOUSE BILL NO. 1304,
- SUBSTITUTE HOUSE BILL NO. 1319,
- SUBSTITUTE HOUSE BILL NO. 1328,
- HOUSE BILL NO. 1371,
- SUBSTITUTE HOUSE BILL NO. 1396,
- SUBSTITUTE HOUSE BILL NO. 1397,
- SECOND SUBSTITUTE HOUSE BILL NO. 1401,
- SUBSTITUTE HOUSE BILL NO. 1407,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422,
- HOUSE BILL NO. 1443,
- SUBSTITUTE HOUSE BILL NO. 1445,

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HOUSE BILL NO. 1457,
 HOUSE BILL NO. 1505,
 HOUSE BILL NO. 1520,
 HOUSE BILL NO. 1543,
 SUBSTITUTE HOUSE BILL NO. 1583,
 HOUSE BILL NO. 1592,
 HOUSE BILL NO. 1599,
 SECOND SUBSTITUTE HOUSE BILL NO. 1636,
 SUBSTITUTE HOUSE BILL NO. 1646,
 ENGROSSED HOUSE BILL NO. 1648,
 SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1671,
 SUBSTITUTE HOUSE BILL NO. 1761,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1779,
 SUBSTITUTE HOUSE BILL NO. 1802,
 HOUSE BILL NO. 1820,
 SUBSTITUTE HOUSE BILL NO. 1832,
 SUBSTITUTE HOUSE BILL NO. 1837,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 SUBSTITUTE HOUSE BILL NO. 1891,
 SECOND SUBSTITUTE HOUSE BILL NO. 1896,
 ENGROSSED HOUSE BILL NO. 1898,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1910,
 SECOND SUBSTITUTE HOUSE BILL NO. 1922,
 SUBSTITUTE HOUSE BILL NO. 1929,
 HOUSE BILL NO. 1966,
 SUBSTITUTE HOUSE BILL NO. 2007,
 HOUSE BILL NO. 2034,
 SUBSTITUTE HOUSE BILL NO. 2049,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:
 The Speaker has signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052,
 HOUSE BILL NO. 1073,
 HOUSE BILL NO. 1077,
 SECOND SUBSTITUTE HOUSE BILL NO. 1096,
 SUBSTITUTE HOUSE BILL NO. 1099,
 SECOND SUBSTITUTE HOUSE BILL NO. 1106,
 SUBSTITUTE HOUSE BILL NO. 1256,
 HOUSE BILL NO. 1331,
 HOUSE BILL NO. 1366,
 SUBSTITUTE HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1417,
 HOUSE BILL NO. 1418,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1461,
 SUBSTITUTE HOUSE BILL NO. 1472,
 SECOND SUBSTITUTE HOUSE BILL NO. 1488,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1569,
 HOUSE BILL NO. 1644,
 HOUSE BILL NO. 1859,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,
 SECOND SUBSTITUTE HOUSE BILL NO. 1980,
 HOUSE BILL NO. 2079,
 SUBSTITUTE HOUSE BILL NO. 2087,
 ENGROSSED HOUSE BILL NO. 2113,
 HOUSE BILL NO. 2236,
 SUBSTITUTE HOUSE BILL NO. 2261,
 SECOND SUBSTITUTE HOUSE BILL NO. 2262,
 SUBSTITUTE HOUSE BILL NO. 2275,

HOUSE BILL NO. 2281,
 SUBSTITUTE HOUSE BILL NO. 2304,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
 SUBSTITUTE HOUSE BILL NO. 2366,
 SUBSTITUTE HOUSE BILL NO. 2378,
 SUBSTITUTE HOUSE BILL NO. 2394,
 HOUSE JOINT MEMORIAL NO. 4017,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:
 The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 5002,
 SENATE BILL NO. 5014,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,
 SUBSTITUTE SENATE BILL NO. 5050,
 SUBSTITUTE SENATE BILL NO. 5053,
 SENATE BILL NO. 5084,
 SENATE BILL NO. 5088,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5098,
 SUBSTITUTE SENATE BILL NO. 5101,
 SUBSTITUTE SENATE BILL NO. 5108,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,
 SECOND SUBSTITUTE SENATE BILL NO. 5188,
 SUBSTITUTE SENATE BILL NO. 5193,
 SUBSTITUTE SENATE BILL NO. 5236,
 SUBSTITUTE SENATE BILL NO. 5243,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,
 SUBSTITUTE SENATE BILL NO. 5315,
 SUBSTITUTE SENATE BILL NO. 5321,
 SENATE BILL NO. 5332,
 ENGROSSED SENATE BILL NO. 5401,
 SENATE BILL NO. 5402,
 SENATE BILL NO. 5429,
 SUBSTITUTE SENATE BILL NO. 5447,
 SECOND SUBSTITUTE SENATE BILL NO. 5467,
 ENGROSSED SENATE BILL NO. 5498,
 SUBSTITUTE SENATE BILL NO. 5503,
 ENGROSSED SENATE BILL NO. 5508,
 SENATE BILL NO. 5512,
 SUBSTITUTE SENATE BILL NO. 5533,
 SUBSTITUTE SENATE BILL NO. 5534,
 SECOND SUBSTITUTE SENATE BILL NO. 5597,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5726,
 SUBSTITUTE SENATE BILL NO. 5826,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5923,
 SENATE CONCURRENT RESOLUTION NO. 8404,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:
 The House concurred in Senate amendment(s) to the
 following bills and passed the bills as amended by the Senate:
 HOUSE BILL NO. 1450,
 HOUSE BILL NO. 1598,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,
 SUBSTITUTE HOUSE BILL NO. 1965,
 ENGROSSED HOUSE BILL NO. 2070,

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and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1432 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1432 and ask the House to concur thereon.

The motion by Senator McAuliffe carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1432 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1091 and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate insist on its position on the Senate amendment(s) to Substitute House Bill No. 1091 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate insist on its position on the Senate amendment(s) to Substitute House Bill No. 1091 and ask the House to concur hereon.

The motion by Senator Kastama carried and the Senate insisted on its position in the Senate amendment(s) to Substitute House Bill No. 1091 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate insist on its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 1368 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Eide that the Senate insist on its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 1368 and ask the House to concur thereon.

The motion by Senator Eide carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1368 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5412 was returned to second reading for purpose of an amendment: 5412-S AMH JARR H3567.3, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the citizens of the state expect clear and concise goals, objectives, and responsibilities regarding the operation of the statewide transportation system. Furthermore, the state's citizens expect that the state periodically receive clear and streamlined information that measures whether the goals and objectives are being satisfied. Therefore, it is the intent of the legislature that this act serve to clarify existing goals, objectives, and responsibilities related to the operation of an efficient statewide transportation system.

Sec. 2. RCW 47.01.011 and 1977 ex.s. c 151 s 1 are each amended to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a statewide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state, and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll

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bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency. The powers, duties, and functions of the department of transportation must be performed in a manner consistent with the policy goals set forth in RCW 47.01.012 (as recodified by this act).

Sec. 3. RCW 47.01.012 and 2002 c 5 s 101 are each amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals (~~shall consist of, but not be limited to, the following~~) established under this section are deemed consistent with the benchmark categories~~(s)~~ adopted by the state's blue ribbon commission on transportation on November 30, 2000. ~~(In addition to improving safety,)~~ Public investments in transportation ~~(shall)~~ should support achievement of these ~~(and other priority)~~ policy goals:

~~(No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living.)~~

(a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;

(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals (~~shall~~) are intended to be the basis for ~~(establishment of)~~ establishing detailed and measurable objectives and related performance ~~(benchmarks)~~ measures.

(4) It is the intent of the legislature that the ~~(transportation commission)~~ office of financial management establish objectives and performance measures for the department of transportation and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels~~(, and the transportation commission should work with appropriate government entities to accomplish this)~~ progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit initial objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during the 2008 legislative session. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) This section does not create a private right of action.

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Sec. 4. RCW 47.01.071 and 2006 c 334 s 3 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems ~~(to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy).~~ The policies must be aligned with the goals established in RCW 47.01.012 (as recodified by this act). To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

~~(c) (Propose a transportation policy for the state;~~
~~(d))~~ Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

~~((e) To)~~ (d) Integrate the statewide transportation plan with the needs of the elderly and ~~(handicapped)~~ persons with disabilities, and ~~(to)~~ coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan ~~(which shall be)~~ consistent with the state's growth management goals and based on the transportation policy ~~(adopted by the governor and the legislature)~~ goals provided under RCW 47.01.012 (as recodified by this act) and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation~~(, prior to each regular session of the legislature during an even-numbered year thereafter. The plan shall be subject to the approval of the legislature in the biennial transportation budget act).~~

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining

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the policy goals under RCW 47.01.012 (as recodified by this act) in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.01.012 (as recodified by this act), as measured by the objectives and performance measures established by the office of financial management under RCW 47.01.012 (as recodified by this act);

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

((6)) (7) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

((7)) (8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

((8)) (9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

((9)) (10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 5. RCW 47.01.075 and 2006 c 334 s 4 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. ~~(It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry.)~~ At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues. The commission shall consider the input gathered at the forums as it establishes the statewide transportation plan under RCW 47.01.071(4).

(2) ~~(Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report and propose to the office of financial management transportation priorities for the ensuing biennium. The report must:~~

- ~~(a) Consider the citizen input gathered at the forums;~~
- ~~(b) Be developed with the assistance of state transportation-related agencies and organizations;~~
- ~~(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, key transportation stakeholders, and the office of financial management;~~
- ~~(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;~~
- ~~(e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.~~

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~~(3))~~ In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

~~((4))~~ (3) In order to promote a better transportation system, the commission ~~(shall)~~ may offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:

- (a) Transportation finance;
- (b) Preserving, maintaining, and operating the statewide transportation system;
- (c) Transportation infrastructure needs;
- (d) Promoting best practices for adoption and use by transportation-related agencies and programs;
- (e) Transportation efficiencies that will improve service delivery and/or coordination;
- (f) Improved planning and coordination among transportation agencies and providers; and
- (g) Use of intelligent transportation systems and other technology-based solutions ~~(and~~
- ~~(h) Reporting of performance against goals, targets, and benchmarks).~~

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

To support achievement of the policy goals described in RCW 47.01.012, the department shall:

- (1) Maintain an inventory of the condition of structures and corridors in most urgent need of retrofit or rehabilitation;
- (2) Develop long-term financing tools that reliably provide ongoing maintenance and preservation of the transportation infrastructure;
- (3) Balance system safety and convenience through all phases of a project to accommodate all users of the transportation system to safely, reliably, and efficiently provide mobility to people and goods;
- (4) Develop strategies to gradually reduce the per capita vehicle miles traveled based on consideration of a range of reduction methods;
- (5) Consider efficiency tools, including high-occupancy vehicle and high-occupancy toll lanes, corridor-specific and systemwide pricing strategies, active traffic management, commute trip reduction, and other demand management tools;
- (6) Promote integrated multimodal planning; and
- (7) Consider engineers and architects to design environmentally sustainable, context-sensitive transportation systems.

Sec. 7. RCW 47.05.030 and 2006 c 334 s 45 are each amended to read as follows:

(1) The ~~(transportation commission)~~ office of financial management shall ~~(develop)~~ propose a comprehensive ten-year investment program ~~(specifying program objectives and performance measures)~~ for the preservation and improvement programs defined in this section, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act). The ~~(adopted)~~ proposed ten-year investment program must be forwarded as a recommendation ~~(to)~~ by the ~~(governor and)~~ office of financial management to the legislature, and ~~(is subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, and the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program)~~ must be based upon the needs identified in the ~~(state-owned highway component of the)~~ statewide ~~(comprehensive)~~ transportation plan established under RCW 47.01.071(4).

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~~((+)) (2) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. ((The preservation program must require use of the most cost-effective pavement surfaces, considering:~~

- ~~— (a) Life-cycle cost analysis;~~
- ~~— (b) Traffic volume;~~
- ~~— (c) Subgrade soil conditions;~~
- ~~— (d) Environmental and weather conditions;~~
- ~~— (e) Materials available; and~~
- ~~— (f) Construction factors.~~

~~The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.~~

~~(2)) (3) The improvement program consists of investments needed to address identified deficiencies on the state highway system to ((increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate)) meet the goals established in RCW 47.01.012 (as recodified by this act).~~

Sec. 8. RCW 47.05.035 and 2006 c 334 s 46 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

~~((3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.~~

~~(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:~~

- ~~— (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;~~
- ~~— (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;~~
- ~~— (c) The continuity of future transportation development with those improvements previously programmed; and~~
- ~~— (d) The availability of dedicated funds for a specific type of work.~~

~~(5) The department shall consider the findings in this section in the development of the ten-year investment program.)~~

Sec. 9. RCW 47.06.020 and 1993 c 446 s 2 are each amended to read as follows:

The specific role of the department in transportation planning ~~((shall)) must be, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act): (1) Ongoing coordination and development of statewide transportation policies that guide all Washington transportation providers; (2) ongoing development of a statewide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high-capacity transportation planning and regional transportation planning programs; ~~((and)) (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of statewide significance; and (5) assisting the transportation commission in the development of the statewide transportation plan required under RCW 47.01.071(4).~~ Specific requirements for each of these state transportation planning components are described in this chapter.~~

Sec. 10. RCW 47.06.050 and 2002 c 5 s 413 are each amended to read as follows:

The state-owned facilities component of the statewide multimodal transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways ~~((that meet benchmarks established by the transportation commission))~~. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational,

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and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

Sec. 11. RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

The legislature declares the following transportation facilities and services to be of statewide significance: Highways of statewide significance as designated by the legislature under chapter 47.05 RCW, the interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal transportation plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal transportation plan, or to highways of statewide significance designated by the legislature under chapter 47.05 RCW, are essential state public facilities under RCW 36.70A.200.

The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities.

Sec. 12. RCW 35.95A.120 and 2003 c 147 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the city transportation authority may be dissolved by a vote of the people residing within the boundaries of the authority if the

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authority is faced with significant financial problems. However, the authority may covenant with holders of its bonds that it may not be dissolved and shall continue to exist solely for the purpose of continuing to levy and collect any taxes or assessments levied by it and pledged to the repayment of debt and to take other actions, including the appointment of a trustee, as necessary to allow it to repay any remaining debt. No such debt may be incurred by the authority on a project until thirty days after a final environmental impact statement on that project has been issued as required by chapter 43.21C RCW. The amount of the authority's initial bond issue is limited to the amount of the project costs in the subsequent two years as documented by a certified engineer or by submitted bids, plus any reimbursable capital expenses already incurred at the time of the bond issue. The authority may size the first bond issue consistent with the internal revenue service five-year spend down schedule if an independent financial advisor recommends such an approach is financially advisable. Any referendum petition to dissolve the city transportation authority must be filed with the city council and contain provisions for dissolution of the authority. Within seven days, the city prosecutor must review the validity of the petition and submit its report to the petitioner and city council. If the petitioner's claims are deemed valid by the city prosecutor, within ten days of the petitioner's filing, the city council will confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title must be posed as a question and an affirmative vote on the measure results in authority retention and a negative vote on the measure results in the authority's dissolution. The petitioner will be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has ninety days in which to secure on petition forms, the signatures of not less than fifteen percent of the registered voters in the authority area and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer will verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the initiative to the authority area voters at a general or special election held on one of the dates provided in RCW ~~((29-13-010))~~ 29A.04.321 as determined by the city council, which election will not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

(2) A city transportation authority is dissolved and terminated if all of the following events occur before or after the effective date of this section:

(a) A majority of the qualified electors voting at a regular or special election determine that new public monorail transportation facilities must not be built;

(b) The governing body of the authority adopts a resolution and publishes a notice of the proposed dissolution at least once every week for three consecutive weeks in a newspaper of general circulation published in the authority area. The resolution and notice must:

(i) Describe information that must be included in a notice of claim against the authority including, but not limited to, any claims for refunds of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority;

(ii) Provide a mailing address where a notice of claim may be sent;

(iii) State the deadline, which must be at least ninety days from the date of the third publication, by which the authority must receive a notice of claim; and

(iv) State that a claim will be barred if a notice of claim is not received by the deadline;

(c) The authority resolves all claims timely made under (b) of this subsection; and

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(d) The governing body adopts a resolution (i) finding that the conditions of (a) through (c) of this subsection have been met and (ii) dissolving and terminating the authority.

(3) A claim against a city transportation authority is barred if (a) a claimant does not deliver a notice of claim to the authority by the deadline stated in subsection (2)(b)(iii) of this section or (b) a claimant whose claim was rejected by the authority does not commence a proceeding to enforce the claim within sixty days from receipt of the rejection notice. For purposes of this subsection, "claim" includes, but is not limited to, any right to payment, whether liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or the right to an equitable remedy for breach of performance if the breach gives rise to a right to payment, whether or not the right to an equitable remedy is fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, including, but not limited to, any claim for a refund of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority.

(4) The governing body of the authority may transfer any net assets to one or more other political subdivisions with instructions as to their use or disposition. The governing body shall authorize this transfer in the resolution that dissolves and terminates the authority under subsection (2)(d) of this section.

(5) Upon the dissolution and termination of the authority, the former officers, directors, employees, and agents of the authority shall be immune from personal liability in connection with any claims brought against them arising from or relating to their service to the authority, and any claim brought against any of them is barred.

(6) Upon satisfaction of the conditions set forth in subsection (2)(a) and (b) of this section, the terms of all members of the governing body of the city transportation authority, whether elected or appointed, who are serving as of the date of the adoption of the resolution described in subsection (2)(b) of this section, shall be extended, and incumbent governing body members shall remain in office until dissolution of the authority, notwithstanding any provision of any law to the contrary.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 47.01.370 (Review of performance and outcome measures of transportation-related agencies--Definition) and 2006 c 334 s 44;
- (2) RCW 47.05.051 (Ten-year comprehensive investment program--Priority selection criteria--Improvement program criteria) and 2006 c 334 s 47, 2005 c 319 s 11, 2002 c 189 s 3, 2002 c 5 s 406, 1998 c 175 s 12, 1993 c 490 s 5, 1987 c 179 s 5, 1979 ex.s. c 122 s 5, & 1975 1st ex.s. c 143 s 4; and
- (3) RCW 47.06.030 (Transportation policy plan) and 1997 c 369 s 8 and 1993 c 446 s 3.

NEW SECTION. Sec. 14. RCW 47.01.012 is recodified as a section in chapter 47.04 RCW."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5412.

MOTION

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5412.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5412 by voice vote.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5412, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Hargrove - 1

Excused: Senators Brown, Prentice and Pridemore - 3

SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1041 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 1041.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1041.

The motion by Senator Kline carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1041.

MOTION

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On motion of Senator Kline, the rules were suspended and Substitute House Bill No. 1041 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1041, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Haler, Moeller and Lantz)

Modifying plurality voting for directors.

The measure was read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and McCaslin be adopted.

Beginning on page 3, line 19, strike all of section 5 and insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 23B.10 RCW to read as follows:

(1) Unless the articles of incorporation (a) specifically prohibit the adoption of a bylaw pursuant to this section, (b) alter the vote specified in RCW 23B.07.280(2), or (c) allow for or do not exclude cumulative voting, a public company may elect in its bylaws to be governed in the election of directors as follows:

(i) Each vote entitled to be cast may be voted for, voted against, or withheld for one or more candidates up to that number of candidates that is equal to the number of directors to be elected but without cumulating the votes, or a shareholder may indicate an abstention for one or more candidates;

(ii) To be elected, a candidate must have received the number, percentage, or level of votes specified in the bylaws; provided that holders of shares entitled to vote in the election and constituting a quorum are present at the meeting. Except in a contested election as provided in (c)(v) of this subsection, a candidate who does not receive the number, percentage, or level of votes specified in the bylaws but who was a director at the time of the election shall continue to serve as a director for a term that shall terminate on the date that is the earlier of (A) the date specified in the bylaw, but not longer than ninety days from the date on which the voting results are determined pursuant to section 6(2) of this act, or (B) the date on which an individual is selected by the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which RCW 23B.08.100 applies;

(iii) A bylaw adopted pursuant to this section may provide that votes cast against and/or withheld as to a candidate are to be taken into account in determining whether the number, percentage, or level of votes required for election has been received. Unless the bylaw specifies otherwise, only votes cast are to be taken into account and a ballot marked "withheld" in respect to a share is deemed to be a vote cast. Unless the bylaws specify otherwise, shares otherwise present at the meeting but for which there is an abstention or as to which no authority or direction to vote in the election is given or specified, are not deemed to be votes cast in the election;

(iv) The board of directors may select any qualified individual to fill the office held by a director who did not receive the specified vote for election referenced in (c)(ii) of this subsection; and

(v) Unless the bylaw specifies otherwise, a bylaw adopted pursuant to this subsection (1) shall not apply to an election of

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directors by a voting group if (A) at the expiration of the time fixed under a provision requiring advance notification of director candidates, or (B) absent such a provision, at a time fixed by the board of directors which is not more than fourteen days before notice is given of the meeting at which the election is to occur, there are more candidates for election by the voting group than the number of directors to be elected, one or more of whom are properly proposed by shareholders. An individual shall not be considered a candidate for purposes of this subsection (1)(c)(v) if the board of directors determines before the notice of meeting is given that such individual's candidacy does not create a bona fide election contest.

(2) A bylaw containing an election to be governed by this section may be repealed or amended:

(a) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides; or

(b) If adopted by the board of directors, by the board of directors or the shareholders."

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and McCaslin on page 3, line 10 to Substitute House Bill No. 1041.

Senators Kline and McCaslin spoke in favor of adoption of the amendment.

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

MOTION

On motion of Senator Regala, Senators Hargrove and Pridemore were excused.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 1041 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1041 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1041 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Hargrove, Prentice and Pridemore - 4

SUBSTITUTE HOUSE BILL NO. 1041 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

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April 16, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1573 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1573.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1573.

The motion by Senator McAuliffe carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1573.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Second Substitute House Bill No. 1573 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1573, by House Committee on Appropriations (originally sponsored by Representatives Quall, Priest, P. Sullivan, Pettigrew, Kenney, Kagi, Wallace, McCoy, Dickerson, Lovick, Santos, Hunt, Hasegawa, Simpson, Pedersen, Morrell, Conway, Lantz, O'Brien and Ormsby)

Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant

coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results.

NEW SECTION. Sec. 2. Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

(1) For purposes of sections 2 through 7 of this act, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;

(b) Coaches or mentors for students as necessary;

(c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;

(d) Retrieval or reentry activities; and

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

(2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:

(a) Establish programs in two western Washington and one eastern Washington urban areas;

(b) Identify at-risk students in each of the distinct communities and populations and implement strategies to close the achievement gap;

(c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under section 3(1)(e) of this act; and

(d) Submit a report to the legislature by December 1, 2009.

NEW SECTION. Sec. 3. (1) The office of the superintendent of public instruction shall:

(a) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(b) Develop and monitor requirements for grant recipients to:

(i) Identify students who both fail the Washington assessment of student learning and drop out of school;

(ii) Identify their own strengths and gaps in services provided to youth;

(iii) Set their own local goals for program outcomes;

(iv) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(v) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(c) In setting the requirements under (b) of this subsection, encourage creativity and provide for flexibility in implementing the local building bridges program;

(d) Identify and disseminate successful practices;

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(e) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(i) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster youth or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(ii) Washington assessment of student learning scores;

(iii) Dropout rates;

(iv) On-time graduation rates;

(v) Extended graduation rates;

(vi) Credentials obtained;

(vii) Absenteeism rates;

(viii) Truancy rates; and

(ix) Credit retrieval;

(f) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership. The third-party contractor shall also evaluate the performance and effectiveness of the partnerships relative to the type of entity, as identified in section 4 of this act, serving as the lead agency for the partnership; and

(g) Report to the legislature by December 1, 2008.

(2) In performing its duties under this section, the office of the superintendent of public instruction is encouraged to consult with the work group identified in section 7 of this act.

NEW SECTION. Sec. 4. In awarding the grants under section 2 of this act, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership. The superintendent of public instruction shall ensure that grants are distributed proportionately between school districts and other recipients. This requirement may be waived if the superintendent of public instruction finds that the quality of the programs or applications from these entities does not warrant the awarding of the grants proportionately.

NEW SECTION. Sec. 5. To be eligible for a grant under section 2 of this act, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners.

NEW SECTION. Sec. 6. (1) Educational service districts, in collaboration with area workforce development councils, shall:

(a) Provide technical assistance to local partnerships established under a grant awarded under section 2 of this act in collecting and using performance data; and

(b) At the request of a local partnership established under a grant awarded under section 2 of this act, provide assistance in the development of a functional sustainability plan, including the identification of potential funding sources for future operation.

(2) Local partnerships established under a grant awarded under section 2 of this act may contract with an educational service district, workforce development council, or a private agency for specialized training in such areas as cultural competency, identifying diverse learning styles, and intervention strategies for students at risk of dropping out of school.

NEW SECTION. Sec. 7. (1) The office of the superintendent of public instruction shall establish a state-level work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The state-level leadership group shall consist of one representative from each of the following agencies and organizations: The workforce training and education coordinating board; career and technical education including skill centers; relevant divisions of the department of social and health services; the juvenile courts; the Washington association of prosecuting attorneys; the Washington state office of public defense; the employment security department; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; the department of health; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in section 5 of this act, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in section 3(1)(e) of this act; and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The work group shall report to the legislature and the governor on an annual basis beginning December 1, 2007, with recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

NEW SECTION. Sec. 8. (1) During the 2007-2009 biennium, school districts that contract with eligible alternative educational service providers to provide education programs, including GED preparation, that generate course credits towards high school graduation, for students who are at risk of dropping out of school, or who have dropped out of school, may continue to use allocations under RCW 28A.150.250 to fund contracts with those providers. For purposes of this section, "eligible alternative educational service providers" includes community and technical colleges and community-based organizations that meet all state requirements for receiving state K-12 formula allocations. Students attending these programs will be

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considered full-time equivalent students if they are enrolled in programming totaling at least twenty-five hours per week. A student will not be considered enrolled if their consecutive days of absence from school exceed twenty school days and attendance has not resumed.

(2) All school districts with contracts with eligible alternative educational service providers shall provide information to the office of the superintendent of public instruction including, but not limited to: (a) The number of students enrolled in those programs; (b) the amount of weekly instructional hours provided; (c) the location of the instruction program provided; and (d) the number and types of staff providing the instruction in the programs. By December 1, 2008, the office of the superintendent of public instruction shall submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the information provided by the school districts pursuant to this subsection.

(3) The state-level work group established under section 7 of this act shall examine issues related to school districts' use of basic education allocations under this section including, but not limited to, findings or other relevant communications by the state auditor. The work group shall develop recommendations and submit a report to the appropriate legislative committees by December 1, 2009.

NEW SECTION. Sec. 9. Sections 2 through 7 of this act are each added to chapter 28A.175 RCW.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Tom to Second Substitute House Bill No. 1573.

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

MOTION

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

On page 1, line 1 of the title, after "retrieval;" strike the remainder of the title and insert "adding new sections to chapter 28A.175 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1573 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Holmquist spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Berkey was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1573 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second

Substitute House Bill No. 1573 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Berkey, Brown, Hargrove, Prentice and Pridemore - 5

SECOND SUBSTITUTE HOUSE BILL NO. 1573 as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5224 was returned to second reading for purpose of an amendment. Amendment 5224-S AMH ENGR H3231.3 was amended by 5224-S AMH SULB H3514.1; the amendment was engrossed, and 5224-S AMH ENGR H3603.E was adopted. The House passed the bill as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.85.010 and 2005 c 309 s 2 are each amended to read as follows:

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

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may

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be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 for the purpose of recovering salmon, which is recognized in statute or by the governor's salmon recovery office created in RCW 77.85.030.

(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Salmon recovery strategy" means the strategy adopted under RCW 77.85.150 and includes the compilation of all subbasin and regional salmon recovery plans developed in response to a proposed or actual listing under the federal endangered species act with state hatchery, harvest, and hydropower plans compiled in accordance with RCW 77.85.150.

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

(13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

Sec. 2. RCW 77.85.020 and 2005 c 309 s 3 are each amended to read as follows:

(1) ~~(By December 1, 2006)~~ No later than January 31, 2009, and every odd-numbered year until and including 2015, the governor's salmon recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report (may) must include the following:

(a) ~~(A description of the amount of in-kind and financial contributions, including volunteer, private, and state, federal, tribal as available, and local government money directly spent on salmon recovery in response to actual, proposed, or expected endangered species act listings;~~

~~(b))~~ A summary of habitat projects including but not limited to:

(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;

(ii) A summary of salmon restoration efforts undertaken in the past two years;

(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and

(iv) A summary of efforts taken to protect salmon habitat;

~~((c) A summary of collaborative efforts undertaken with adjoining states or Canada;~~

~~(d))~~ (b) A summary of harvest and hatchery management activities affecting salmon recovery;

~~((c) A summary of information regarding impediments to successful salmon recovery efforts;~~

~~(f))~~ (c) A summary of the number and types of violations of existing laws pertaining to ~~((i) Water quality, and (ii))~~ salmon. The summary ~~((shall))~~ may include information about the types of sanctions imposed for these violations~~((;~~

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~~(g) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998; and~~

~~(h) Recommendations to the legislature that would further the success of salmon recovery. The recommendations may include:~~

~~(i) The need to expand or improve nonregulatory programs and activities;~~

~~(ii) The need to expand or improve state and local laws and regulations; and~~

~~(iii) Recommendations for state funding assistance to recovery activities and projects)).~~

(2) The report may include the following:

(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and

(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.

(3) The report shall summarize the monitoring data coordinated by the ~~((monitoring))~~ forum on monitoring salmon recovery and watershed health. The summary ~~((must))~~ may include but is not limited to data and analysis related to:

(a) Measures of progress in fish recovery;

(b) Measures of factors limiting recovery as well as trends in such factors; and

(c) The status of implementation of projects and activities.

(4) The department, the department of ecology, the department of natural resources, the state conservation commission, and the forum on monitoring salmon recovery and watershed health shall provide to the governor's salmon recovery office information requested by the office necessary to prepare the state of the salmon report and other reports produced by the office.

Sec. 3. RCW 77.85.030 and 2005 c 309 s 4 are each amended to read as follows:

(1) The governor's salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans. The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery. The governor's salmon recovery office shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans; ~~((and))~~

(c) Provide periodic reports pursuant to RCW 77.85.020;

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(d) Provide, as appropriate, technical and administrative support to the independent science panel or other science-related panels on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

~~((2))~~ (5) This section expires June 30, ~~((2007))~~ 2015.

Sec. 4. RCW 77.85.040 and 2005 c 309 s 5 are each amended to read as follows:

(1) The governor ~~((shall))~~ may request the ~~((national))~~ Washington academy of sciences, ~~((the American fisheries society, or a comparable institution to screen candidates to serve as members on the))~~ when organized pursuant to chapter 305, Laws of 2005, to impanel an independent science panel on salmon recovery to respond to requests for review pursuant to subsection (2) of this section. ~~((The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate.))~~ The ~~((candidates))~~ panel shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

~~((2))~~ The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

~~((3))~~ The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. Based upon available funding, the governor's salmon recovery office may contract for services ~~((with members))~~ of the independent science panel for compensation under chapter 39.29 RCW.

~~((4))~~ (2) The independent science panel shall be governed by ~~((generally accepted))~~ guidelines and practices governing the activities of ~~((independent science boards such as))~~ the ~~((national))~~ Washington academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office may, during the time it is constituted, request ~~((review of regional salmon recovery plans by the science review panel))~~ that the panel review, investigate, and provide its findings on scientific questions relating to the state's salmon recovery efforts. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050 or 77.85.060 or to make policy decisions. The panel shall ~~((periodically))~~ submit its findings and recommendations under this subsection to the legislature and the governor.

Sec. 5. RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030, during the time it is constituted, as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

Sec. 6. RCW 77.85.150 and 2005 c 309 s 9 are each amended to read as follows:

(1) The governor shall, with the assistance of the governor's salmon recovery office, ~~((shall))~~ during the time it is constituted, maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) ~~((Beginning on September 1, 2000,))~~ If the strategy ~~((shall be))~~ is updated ~~((through))~~, an active and thorough public involvement process, including early and meaningful opportunity for public comment, must be utilized. In obtaining public comment, the governor's salmon recovery office shall ~~((hold public meetings))~~ work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to ~~((similarly))~~ ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

Sec. 7. RCW 43.41.270 and 2001 c 227 s 2 are each amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant

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eligibility, for program management and performance assessment.

(2) The office of financial management and the governor's salmon recovery office, during the time it is constituted, shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome-focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section. ~~((The office of financial management shall report to the appropriate legislative committees of the legislature on the agencies' implementation of this section, including any necessary changes in current law, and funding requirements by July 31, 2002. Natural resource agencies shall assist the office of financial management in preparing the report, including complying with time frames for submitting information established by the office of financial management.))~~

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the interagency committee for outdoor recreation, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW ~~((79.24.580))~~ 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public ~~((works))~~ works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

NEW SECTION. Sec. 8. A new section is added to chapter 77.85 RCW to read as follows:

(1) The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state agency implementation activities. It is therefore the purpose of this section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.

(2) The forum on monitoring salmon recovery and watershed health is created. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state

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agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) Salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound action team, or a successor state agency;
- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and
- (j) Each of the regional salmon recovery organizations.

(3) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

(4) The forum on monitoring salmon recovery and watershed health shall recommend a set of measures for use by the governor's salmon recovery office in the state of the salmon report to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

(5) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

(6) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies, coordinating with the governor's salmon recovery office biennial report as required by RCW 77.85.020.

(7) The forum shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

(8) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

(9) This section expires June 30, 2015.

NEW SECTION. Sec. 9. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5224.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5224.

Senator Jacobsen spoke in favor of the motion.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5224 by voice vote.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5224, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5224, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Berkey, Brown, Hargrove, Prentice and Pridemore - 5

SUBSTITUTE SENATE BILL NO. 5224, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

Under suspension of rules ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627 was returned to second reading for purpose of an amendment: 5627-S2.E AMH HAIG H3553.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The state's definition of basic education and the corresponding funding formulas must be regularly updated in order to keep pace with evolving educational practices and increasing state and federal requirements and to ensure that all schools have the resources they need to help give all students the opportunity to be fully prepared to compete in a global economy. The work of Washington learns steering committee and the K-12 advisory committee provides a valuable starting point from which to evaluate the current educational system and develop a unique, transparent, and stable educational funding system for Washington that supports the goals and the vision of a world-class learner-focused K-12 educational system that were established in the final Washington learns report.

This act is intended to make provision for some significant steps towards a new basic education funding system and establishes a joint task force to address the details and next steps beyond the 2007-2009 biennium that will be necessary to implement a new comprehensive K-12 finance formula or formulas that will provide Washington schools with stable and adequate funding as the expectations for the K-12 system continue to evolve.

NEW SECTION. Sec. 2. (1) The joint task force on basic education finance established under this section, with research support from the Washington state institute for public policy, shall review the definition of basic education and all current basic education funding formulas, develop options for a new funding structure and all necessary formulas, and propose a new definition of basic education that is realigned with the new expectations of the state's education system as established in the

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November 2006 final report of the Washington learns steering committee and the basic education provisions established in chapter 28A.150 RCW.

(2) The joint task force on basic education finance shall consist of fourteen members:

(a) A chair of the task force with experience with Washington finance issues including knowledge of the K-12 funding formulas, appointed by the governor;

(b) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the president of the senate and two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives;

(c) A representative of the governor's office or the office of financial management, designated by the governor;

(d) The superintendent of public instruction or the superintendent's designee; and

(e) Three individuals with significant experience with Washington K-12 finance issues, including the use and application of the current basic education funding formulas, appointed by the governor. Each of the two largest caucuses of the house of representatives and the senate may submit names to the governor for consideration.

(3) In conducting research directed by the task force and developing options for consideration by the task force, the Washington state institute for public policy shall consult with stakeholders and experts in the field. The institute may also request assistance from the legislative evaluation and accountability program committee, the office of the superintendent of public instruction, the office of financial management, the house office of program research, and senate committee services.

(4) In developing recommendations, the joint task force shall review and build upon the following:

(a) Reports related to K-12 finance produced at the request of or as a result of the Washington learns study, including reports completed for or by the K-12 advisory committee;

(b) High-quality studies that are available; and

(c) Research and evaluation of the cost-benefits of various K-12 programs and services developed by the institute as directed by the legislature in section 607(15), chapter 372, Laws of 2006.

(5) The Washington state institute for public policy shall provide the following reports to the joint task force:

(a) An initial report by September 15, 2007, proposing an initial plan of action, reporting dates, timelines for fulfilling the requirements of section 3 of this act, and an initial timeline for a phased-in implementation of a new funding system that does not exceed six years;

(b) A second report by December 1, 2007, including implementing legislation as necessary, for at least two but no more than four options for allocating school employee compensation. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The report must also include a projection of the expected effect of the investment made under the new funding structure. The second report shall also include a finalized timeline and plan for addressing the remaining components of a new funding system; and

(c) A final report with at least two but no more than four options for revising the remaining K-12 funding structure, including implementing legislation as necessary, and a timeline for phasing in full adoption of the new funding structure. The final report shall be submitted to the joint task force by September 15, 2008. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The final report must also include a projection of the expected effect of the investment made under the new funding structure.

NEW SECTION. Sec. 3. (1) The funding structure alternatives developed by the joint task force under section 2 of

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this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

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

(a) Professional development for all staff;

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

(c) Voluntary all-day kindergarten;

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

(e) Focused instructional support for students and schools;

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

(g) Health and safety requirements.

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

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

NEW SECTION. Sec. 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.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627.

Senator McAuliffe spoke in favor of the motion.

Senator Holmquist spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 0; Excused, 5.

Voting yea: Senators Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 27

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Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

Excused: Senators Berkey, Brown, Hargrove, Prentice and Pridemore - 5

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:24 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, April 19, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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1052-S	Speaker Signed	9	1396-S	Speaker Signed	8
1065	Speaker Signed	8	1397-S	Speaker Signed	8
1073	Speaker Signed	9	1401-S2	Speaker Signed	8
1077	Speaker Signed	9	1407-S	Speaker Signed	8
1082-S	Speaker Signed	8	1409-S	Speaker Signed	9
1091-S	Messages	10	1413	Messages	1
1096-S2	Speaker Signed	9	1414-S	Speaker Signed	8
1099-S	Speaker Signed	9	1417-S	Speaker Signed	9
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1131-S	Speaker Signed	8	1422-S2	Speaker Signed	8
1166	Speaker Signed	8	1432-S2	Messages	10
1201-S2	Speaker Signed	8	1443	Speaker Signed	8
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1259-S	Speaker Signed	8	1476	Messages	1
1267-S	Speaker Signed	8	1488-S2	Speaker Signed	9
1276-S	Speaker Signed	8	1505	Speaker Signed	9
1287-S	Speaker Signed	8	1506-S2	Messages	1
1293	Speaker Signed	8	1520	Speaker Signed	9
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1654-S
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1671
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1761-S
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1777-S
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1779-S2
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1802-S
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1820
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1832-S
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1833-S
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1837-S
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1859
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1883-S
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1891-S
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2378-S
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5002-S
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5063
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5074-S
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5084
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5429	Speaker Signed	9	5826-S	Speaker Signed	9
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5508	Speaker Signed	9	5881-S	President Signed	7
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5533-S	Speaker Signed	9	5915	President Signed	1
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9167 Quentin Powers
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9195 Jeannette Wood
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9219 Jane L. Jacobsen
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9235 Donald Root
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9241 Rajiv Shah
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