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**SUBSTITUTE SENATE BILL 6849**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Pridemore and Zarelli)

READ FIRST TIME 03/04/10.

1       AN ACT Relating to consolidating forecast functions; amending RCW  
2 9.94A.480, 9.94A.850, 10.98.140, 41.06.087, 43.88.030, 43.88.120,  
3 74.09.470, 82.33.010, 82.33.020, and 74.09.470; adding new sections to  
4 chapter 82.33 RCW; creating a new section; repealing RCW 9.94A.855,  
5 9.94A.863, 43.88C.010, 43.88C.020, and 43.88C.030; and providing an  
6 effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8       NEW SECTION.     **Sec. 1.**     The legislature finds that accurate  
9 forecasts of revenues and caseloads are essential to developing state  
10 budgets.     The legislature further finds that, over time, the  
11 responsibilities for these forecasting and data analyses functions have  
12 been dispersed among several agencies.     Therefore, the legislature  
13 concludes that these functions should be consolidated into a single  
14 forecasting agency to create efficiencies, simplify forecasting,  
15 simplify analysis, and enhance collaboration.

16       **Sec. 2.**     RCW 9.94A.480 and 2002 c 290 s 16 are each amended to read  
17 as follows:

18       (1) A current, newly created or reworked judgment and sentence

1 document for each felony sentencing shall record any and all  
2 recommended sentencing agreements or plea agreements and the sentences  
3 for any and all felony crimes kept as public records under RCW  
4 9.94A.475 shall contain the clearly printed name and legal signature of  
5 the sentencing judge. The judgment and sentence document as defined in  
6 this section shall also provide additional space for the sentencing  
7 judge's reasons for going either above or below the presumptive  
8 sentence range for any and all felony crimes covered as public records  
9 under RCW 9.94A.475. Both the sentencing judge and the prosecuting  
10 attorney's office shall each retain or receive a completed copy of each  
11 sentencing document as defined in this section for their own records.

12 (2) The (~~sentencing guidelines commission~~) economic and revenue  
13 forecast council shall be sent a completed copy of the judgment and  
14 sentence document upon conviction for each felony sentencing under  
15 subsection (1) of this section and shall compile a yearly and  
16 cumulative judicial record of each sentencing judge in regards to his  
17 or her sentencing practices for any and all felony crimes involving:

18 (a) Any violent offense as defined in this chapter;

19 (b) Any most serious offense as defined in this chapter;

20 (c) Any felony with any deadly weapon special verdict under RCW  
21 (~~9.94A.602~~) 9.94A.825;

22 (d) Any felony with any deadly weapon enhancements under RCW  
23 9.94A.533 (3) or (4), or both; and/or

24 (e) The felony crimes of possession of a machine gun, possessing a  
25 stolen firearm, drive-by shooting, theft of a firearm, unlawful  
26 possession of a firearm in the first or second degree, and/or use of a  
27 machine gun in a felony.

28 (3) The (~~sentencing guidelines commission~~) economic and revenue  
29 forecast council shall compare each individual judge's sentencing  
30 practices to the standard or presumptive sentence range for any and all  
31 felony crimes listed in subsection (2) of this section for the  
32 appropriate offense level as defined in RCW 9.94A.515 or 9.94A.518,  
33 offender score as defined in RCW 9.94A.525, and any applicable deadly  
34 weapon enhancements as defined in RCW 9.94A.533 (3) or (4), or both.  
35 These comparative records shall be retained and made available to the  
36 public for review in a current, newly created or reworked official  
37 published document by the (~~sentencing guidelines commission~~) economic  
38 and revenue forecast council.

1 (4) Any and all felony sentences which are either above or below  
2 the standard or presumptive sentence range in subsection (3) of this  
3 section shall also mark whether the prosecuting attorney in the case  
4 also recommended a similar sentence, if any, which was either above or  
5 below the presumptive sentence range and shall also indicate if the  
6 sentence was in conjunction with an approved alternative sentencing  
7 option including a first-time offender waiver, sex offender sentencing  
8 alternative, or other prescribed sentencing option.

9 (5) If any completed judgment and sentence document as defined in  
10 subsection (1) of this section is not sent to the (~~sentencing~~  
11 ~~guidelines commission~~) economic and revenue forecast council as  
12 required in subsection (2) of this section, the (~~sentencing guidelines~~  
13 ~~commission~~) economic and revenue forecast council shall have the  
14 authority and shall undertake reasonable and necessary steps to assure  
15 that all past, current, and future sentencing documents as defined in  
16 subsection (1) of this section are received by the (~~sentencing~~  
17 ~~guidelines commission~~) economic and revenue forecast council.

18 **Sec. 3.** RCW 9.94A.850 and 2009 c 375 s 8 are each amended to read  
19 as follows:

20 (1) A sentencing guidelines commission is established as an agency  
21 of state government.

22 (2) The (~~legislature finds that the commission, having~~  
23 ~~accomplished its original statutory directive to implement this~~  
24 ~~chapter, and having expertise in sentencing practice and policies,)~~  
25 sentencing guidelines commission shall:

26 (a) Evaluate state sentencing policy, to include whether the  
27 sentencing ranges and standards are consistent with and further:

28 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

29 (ii) The intent of the legislature to emphasize confinement for the  
30 violent offender and alternatives to confinement for the nonviolent  
31 offender.

32 The commission shall provide the governor and the legislature with  
33 its evaluation and recommendations under this subsection not later than  
34 December 1, 1996, and every two years thereafter;

35 (b) Recommend to the legislature revisions or modifications to the  
36 standard sentence ranges, state sentencing policy, prosecuting  
37 standards, and other standards. If implementation of the revisions or

1 modifications would result in exceeding the capacity of correctional  
2 facilities, then the commission shall accompany its recommendation with  
3 an additional list of standard sentence ranges which are consistent  
4 with correction capacity;

5 (c) Study the existing criminal code and from time to time make  
6 recommendations to the legislature for modification;

7 ~~(d)((i) Serve as a clearinghouse and information center for the  
8 collection, preparation, analysis, and dissemination of information on  
9 state and local adult and juvenile sentencing practices; (ii) develop  
10 and maintain a computerized adult and juvenile sentencing information  
11 system by individual superior court judge consisting of offender,  
12 offense, history, and sentence information entered from judgment and  
13 sentence forms for all adult felons; and (iii) conduct ongoing research  
14 regarding adult and juvenile sentencing guidelines, use of total  
15 confinement and alternatives to total confinement, plea bargaining, and  
16 other matters relating to the improvement of the adult criminal justice  
17 system and the juvenile justice system;~~

18 (e)) Assume the powers and duties of the juvenile disposition  
19 standards commission after June 30, 1996; and

20 ~~((f) Evaluate the effectiveness of existing disposition standards  
21 and related statutes in implementing policies set forth in RCW  
22 13.40.010 generally, specifically review the guidelines relating to the  
23 confinement of minor and first time offenders as well as the use of  
24 diversion, and review the application of current and proposed juvenile  
25 sentencing standards and guidelines for potential adverse impacts on  
26 the sentencing outcomes of racial and ethnic minority youth;~~

27 (g)) (e) Solicit the comments and suggestions of the juvenile  
28 justice community concerning disposition standards, and make  
29 recommendations to the legislature regarding revisions or modifications  
30 of the standards. The evaluations shall be submitted to the  
31 legislature on December 1 of each odd-numbered year. The department of  
32 social and health services shall provide the commission with available  
33 data concerning the implementation of the disposition standards and  
34 related statutes and their effect on the performance of the  
35 department's responsibilities relating to juvenile offenders, and with  
36 recommendations for modification of the disposition standards. The  
37 administrative office of the courts shall provide the commission with

1 available data on diversion, including the use of youth court programs,  
2 and dispositions of juvenile offenders under chapter 13.40 RCW( ~~and~~

3 ~~(h) Not later than December 1, 1997, and at least every two years~~  
4 ~~thereafter, based on available information, report to the governor and~~  
5 ~~the legislature on:~~

6 ~~(i) Racial disproportionality in juvenile and adult sentencing,~~  
7 ~~and, if available, the impact that diversions, such as youth courts,~~  
8 ~~have on racial disproportionality in juvenile prosecution,~~  
9 ~~adjudication, and sentencing;~~

10 ~~(ii) The capacity of state and local juvenile and adult facilities~~  
11 ~~and resources; and~~

12 ~~(iii) Recidivism information on adult and juvenile offenders)).~~

13 (3) Each of the commission's recommended standard sentence ranges  
14 shall include one or more of the following: Total confinement, partial  
15 confinement, community supervision, community restitution, and a fine.

16 (4) The standard sentence ranges of total and partial confinement  
17 under this chapter, except as provided in RCW 9.94A.517, are subject to  
18 the following limitations:

19 (a) If the maximum term in the range is one year or less, the  
20 minimum term in the range shall be no less than one-third of the  
21 maximum term in the range, except that if the maximum term in the range  
22 is ninety days or less, the minimum term may be less than one-third of  
23 the maximum;

24 (b) If the maximum term in the range is greater than one year, the  
25 minimum term in the range shall be no less than seventy-five percent of  
26 the maximum term in the range, except that for murder in the second  
27 degree in seriousness level XIV under RCW 9.94A.510, the minimum term  
28 in the range shall be no less than fifty percent of the maximum term in  
29 the range; and

30 (c) The maximum term of confinement in a range may not exceed the  
31 statutory maximum for the crime as provided in RCW 9A.20.021.

32 (5) The sentencing guidelines commission shall exercise its duties  
33 under this section in conformity with chapter 34.05 RCW. The  
34 commission shall review the monetary threshold amounts differentiating  
35 the various degrees of property crimes in Washington state to determine  
36 whether such amounts should be modified. The sentencing guidelines  
37 commission shall report to the legislature with its recommendations by  
38 November 1, 2014, and every five years thereafter.

1       **Sec. 4.** RCW 10.98.140 and 1987 c 462 s 4 are each amended to read  
2 as follows:

3       (1) The section, the department, and the office of financial  
4 management shall be the primary sources of information for criminal  
5 justice forecasting. The information maintained by these agencies  
6 shall be complete, accurate, and sufficiently timely to support state  
7 criminal justice forecasting.

8       (2) The office of financial management shall be the official state  
9 agency for the sentenced felon jail forecast. This forecast shall  
10 provide at least a six-year projection and shall be published by  
11 December 1 of every even-numbered year beginning with 1986. The office  
12 of financial management shall seek advice regarding the assumptions in  
13 the forecast from criminal justice agencies and associations.

14       (3) The (~~sentencing guidelines commission~~) economic and revenue  
15 forecast council shall keep records on all sentencings above or below  
16 the standard range defined by chapter 9.94A RCW. As a minimum, the  
17 records shall include the name of the offender, the crimes for which  
18 the offender was sentenced, the name and county of the sentencing  
19 judge, and the deviation from the standard range. Such records shall  
20 be made available to public officials upon request.

21       **Sec. 5.** RCW 41.06.087 and 1997 c 168 s 4 are each amended to read  
22 as follows:

23       In addition to the exemptions set forth in RCW 41.06.070, this  
24 chapter does not apply to the economic and revenue forecast supervisor  
25 and staff employed under RCW 82.33.010 (~~or the caseload forecast~~  
26 ~~supervisor and staff employed under RCW 43.88C.010~~)).

27       **Sec. 6.** RCW 43.88.030 and 2006 c 334 s 43 are each amended to read  
28 as follows:

29       (1) The director of financial management shall provide all agencies  
30 with a complete set of instructions for submitting biennial budget  
31 requests to the director at least three months before agency budget  
32 documents are due into the office of financial management. The budget  
33 document or documents shall consist of the governor's budget message  
34 which shall be explanatory of the budget and shall contain an outline  
35 of the proposed financial policies of the state for the ensuing fiscal  
36 period, as well as an outline of the proposed six-year financial

1 policies where applicable, and shall describe in connection therewith  
2 the important features of the budget. The biennial budget document or  
3 documents shall also describe performance indicators that demonstrate  
4 measurable progress towards priority results. The message shall set  
5 forth the reasons for salient changes from the previous fiscal period  
6 in expenditure and revenue items and shall explain any major changes in  
7 financial policy. Attached to the budget message shall be such  
8 supporting schedules, exhibits and other explanatory material in  
9 respect to both current operations and capital improvements as the  
10 governor shall deem to be useful to the legislature. The budget  
11 document or documents shall set forth a proposal for expenditures in  
12 the ensuing fiscal period, or six-year period where applicable, based  
13 upon the estimated revenues and caseloads as approved by the economic  
14 and revenue forecast council (~~(and caseload forecast council)~~) or upon  
15 the estimated revenues and caseloads of the office of financial  
16 management for those funds, accounts, sources, and programs for which  
17 the forecast (~~(councils do)~~) council does not prepare an official  
18 forecast. Revenues shall be estimated for such fiscal period from the  
19 source and at the rates existing by law at the time of submission of  
20 the budget document, including the supplemental budgets submitted in  
21 the even-numbered years of a biennium. However, the estimated revenues  
22 and caseloads for use in the governor's budget document may be adjusted  
23 to reflect budgetary revenue transfers and revenue and caseload  
24 estimates dependent upon budgetary assumptions of enrollments,  
25 workloads, and caseloads. All adjustments to the approved estimated  
26 revenues and caseloads must be set forth in the budget document. The  
27 governor may additionally submit, as an appendix to each supplemental,  
28 biennial, or six-year agency budget or to the budget document or  
29 documents, a proposal for expenditures in the ensuing fiscal period  
30 from revenue sources derived from proposed changes in existing  
31 statutes.

32 The budget document or documents shall also contain:

33 (a) Revenues classified by fund and source for the immediately past  
34 fiscal period, those received or anticipated for the current fiscal  
35 period, and those anticipated for the ensuing biennium;

36 (b) The undesignated fund balance or deficit, by fund;

37 (c) Such additional information dealing with expenditures,

1 revenues, workload, performance, and personnel as the legislature may  
2 direct by law or concurrent resolution;

3 (d) Such additional information dealing with revenues and  
4 expenditures as the governor shall deem pertinent and useful to the  
5 legislature;

6 (e) Tabulations showing expenditures classified by fund, function,  
7 and agency;

8 (f) The expenditures that include nonbudgeted, nonappropriated  
9 accounts outside the state treasury;

10 (g) Identification of all proposed direct expenditures to implement  
11 the Puget Sound water quality plan under chapter 90.71 RCW, shown by  
12 agency and in total; and

13 (h) Tabulations showing each postretirement adjustment by  
14 retirement system established after fiscal year 1991, to include, but  
15 not be limited to, estimated total payments made to the end of the  
16 previous biennial period, estimated payments for the present biennium,  
17 and estimated payments for the ensuing biennium.

18 (2) The budget document or documents shall include detailed  
19 estimates of all anticipated revenues applicable to proposed operating  
20 or capital expenditures and shall also include all proposed operating  
21 or capital expenditures. The total of beginning undesignated fund  
22 balance and estimated revenues less working capital and other reserves  
23 shall equal or exceed the total of proposed applicable expenditures.  
24 The budget document or documents shall further include:

25 (a) Interest, amortization and redemption charges on the state  
26 debt;

27 (b) Payments of all reliefs, judgments, and claims;

28 (c) Other statutory expenditures;

29 (d) Expenditures incident to the operation for each agency;

30 (e) Revenues derived from agency operations;

31 (f) Expenditures and revenues shall be given in comparative form  
32 showing those incurred or received for the immediately past fiscal  
33 period and those anticipated for the current biennium and next ensuing  
34 biennium;

35 (g) A showing and explanation of amounts of general fund and other  
36 funds obligations for debt service and any transfers of moneys that  
37 otherwise would have been available for appropriation;

38 (h) Common school expenditures on a fiscal-year basis;



1 (i) A showing, by agency, of the value and purpose of financing  
2 contracts for the lease/purchase or acquisition of personal or real  
3 property for the current and ensuing fiscal periods; and

4 (j) A showing and explanation of anticipated amounts of general  
5 fund and other funds required to amortize the unfunded actuarial  
6 accrued liability of the retirement system specified under chapter  
7 41.45 RCW, and the contributions to meet such amortization, stated in  
8 total dollars and as a level percentage of total compensation.

9 (3) The governor's operating budget document or documents shall  
10 reflect the statewide priorities as required by RCW 43.88.090.

11 (4) The governor's operating budget document or documents shall  
12 identify activities that are not addressing the statewide priorities.

13 (5) A separate capital budget document or schedule shall be  
14 submitted that will contain the following:

15 (a) A statement setting forth a long-range facilities plan for the  
16 state that identifies and includes the highest priority needs within  
17 affordable spending levels;

18 (b) A capital program consisting of proposed capital projects for  
19 the next biennium and the two biennia succeeding the next biennium  
20 consistent with the long-range facilities plan. Inasmuch as is  
21 practical, and recognizing emergent needs, the capital program shall  
22 reflect the priorities, projects, and spending levels proposed in  
23 previously submitted capital budget documents in order to provide a  
24 reliable long-range planning tool for the legislature and state  
25 agencies;

26 (c) A capital plan consisting of proposed capital spending for at  
27 least four biennia succeeding the next biennium;

28 (d) A strategic plan for reducing backlogs of maintenance and  
29 repair projects. The plan shall include a prioritized list of specific  
30 facility deficiencies and capital projects to address the deficiencies  
31 for each agency, cost estimates for each project, a schedule for  
32 completing projects over a reasonable period of time, and  
33 identification of normal maintenance activities to reduce future  
34 backlogs;

35 (e) A statement of the reason or purpose for a project;

36 (f) Verification that a project is consistent with the provisions  
37 set forth in chapter 36.70A RCW;

1 (g) A statement about the proposed site, size, and estimated life  
2 of the project, if applicable;

3 (h) Estimated total project cost;

4 (i) For major projects valued over five million dollars, estimated  
5 costs for the following project components: Acquisition, consultant  
6 services, construction, equipment, project management, and other costs  
7 included as part of the project. Project component costs shall be  
8 displayed in a standard format defined by the office of financial  
9 management to allow comparisons between projects;

10 (j) Estimated total project cost for each phase of the project as  
11 defined by the office of financial management;

12 (k) Estimated ensuing biennium costs;

13 (l) Estimated costs beyond the ensuing biennium;

14 (m) Estimated construction start and completion dates;

15 (n) Source and type of funds proposed;

16 (o) Estimated ongoing operating budget costs or savings resulting  
17 from the project, including staffing and maintenance costs;

18 (p) For any capital appropriation requested for a state agency for  
19 the acquisition of land or the capital improvement of land in which the  
20 primary purpose of the acquisition or improvement is recreation or  
21 wildlife habitat conservation, the capital budget document, or an  
22 omnibus list of recreation and habitat acquisitions provided with the  
23 governor's budget document, shall identify the projected costs of  
24 operation and maintenance for at least the two biennia succeeding the  
25 next biennium. Omnibus lists of habitat and recreation land  
26 acquisitions shall include individual project cost estimates for  
27 operation and maintenance as well as a total for all state projects  
28 included in the list. The document shall identify the source of funds  
29 from which the operation and maintenance costs are proposed to be  
30 funded;

31 (q) Such other information bearing upon capital projects as the  
32 governor deems to be useful;

33 (r) Standard terms, including a standard and uniform definition of  
34 normal maintenance, for all capital projects;

35 (s) Such other information as the legislature may direct by law or  
36 concurrent resolution.

37 For purposes of this subsection (5), the term "capital project"  
38 shall be defined subsequent to the analysis, findings, and

1 recommendations of a joint committee comprised of representatives from  
2 the house capital appropriations committee, senate ways and means  
3 committee, legislative evaluation and accountability program committee,  
4 and office of financial management.

5 (6) No change affecting the comparability of agency or program  
6 information relating to expenditures, revenues, workload, performance  
7 and personnel shall be made in the format of any budget document or  
8 report presented to the legislature under this section or RCW  
9 43.88.160(1) relative to the format of the budget document or report  
10 which was presented to the previous regular session of the legislature  
11 during an odd-numbered year without prior legislative concurrence.  
12 Prior legislative concurrence shall consist of (a) a favorable majority  
13 vote on the proposal by the standing committees on ways and means of  
14 both houses if the legislature is in session or (b) a favorable  
15 majority vote on the proposal by members of the legislative evaluation  
16 and accountability program committee if the legislature is not in  
17 session.

18 **Sec. 7.** RCW 43.88.120 and 2000 2nd sp.s. c 4 s 13 are each amended  
19 to read as follows:

20 Each agency engaged in the collection of revenues shall prepare  
21 estimated revenues and estimated receipts for the current and ensuing  
22 biennium and shall submit the estimates to the director of financial  
23 management and the director of revenue at times and in the form  
24 specified by the directors, along with any other information which the  
25 directors may request. For those agencies required to develop six-year  
26 programs and financial plans (~~under RCW 44.40.070~~), six-year revenue  
27 estimates shall be submitted to the director of financial management  
28 and the transportation committees of the senate and the house of  
29 representatives unless the responsibility for reporting these revenue  
30 estimates is assumed elsewhere.

31 A copy of such revenue estimates shall be simultaneously submitted  
32 to the economic and revenue forecast work group when required by the  
33 office of the economic and revenue forecast council.

34 **Sec. 8.** RCW 74.09.470 and 2009 c 463 s 2 are each amended to read  
35 as follows:

36 (1) Consistent with the goals established in RCW 74.09.402, through

1 the apple health for kids program authorized in this section, the  
2 department shall provide affordable health care coverage to children  
3 under the age of nineteen who reside in Washington state and whose  
4 family income at the time of enrollment is not greater than two hundred  
5 fifty percent of the federal poverty level as adjusted for family size  
6 and determined annually by the federal department of health and human  
7 services, and effective January 1, 2009, and only to the extent that  
8 funds are specifically appropriated therefor, to children whose family  
9 income is not greater than three hundred percent of the federal poverty  
10 level. In administering the program, the department shall take such  
11 actions as may be necessary to ensure the receipt of federal financial  
12 participation under the medical assistance program, as codified at  
13 Title XIX of the federal social security act, the state children's  
14 health insurance program, as codified at Title XXI of the federal  
15 social security act, and any other federal funding sources that are now  
16 available or may become available in the future. The department and  
17 the (~~caseload~~) economic and revenue forecast council shall estimate  
18 the anticipated caseload and costs of the program established in this  
19 section.

20 (2) The department shall accept applications for enrollment for  
21 children's health care coverage; establish appropriate minimum-  
22 enrollment periods, as may be necessary; and determine eligibility  
23 based on current family income. The department shall make eligibility  
24 determinations within the time frames for establishing eligibility for  
25 children on medical assistance, as defined by RCW 74.09.510. The  
26 application and annual renewal processes shall be designed to minimize  
27 administrative barriers for applicants and enrolled clients, and to  
28 minimize gaps in eligibility for families who are eligible for  
29 coverage. If a change in family income results in a change in the  
30 source of funding for coverage, the department shall transfer the  
31 family members to the appropriate source of funding and notify the  
32 family with respect to any change in premium obligation, without a  
33 break in eligibility. The department shall use the same eligibility  
34 redetermination and appeals procedures as those provided for children  
35 on medical assistance programs. The department shall modify its  
36 eligibility renewal procedures to lower the percentage of children  
37 failing to annually renew. The department shall manage its outreach,  
38 application, and renewal procedures with the goals of: (a) Achieving

1 year by year improvements in enrollment, enrollment rates, renewals,  
2 and renewal rates; (b) maximizing the use of existing program databases  
3 to obtain information related to earned and unearned income for  
4 purposes of eligibility determination and renewals, including, but not  
5 limited to, the basic food program, the child care subsidy program,  
6 federal social security administration programs, and the employment  
7 security department wage database; (c) streamlining renewal processes  
8 to rely primarily upon data matches, online submissions, and telephone  
9 interviews; and (d) implementing any other eligibility determination  
10 and renewal processes to allow the state to receive an enhanced federal  
11 matching rate and additional federal outreach funding available through  
12 the federal children's health insurance program reauthorization act of  
13 2009 by January 2010. The department shall advise the governor and the  
14 legislature regarding the status of these efforts by September 30,  
15 2009. The information provided should include the status of the  
16 department's efforts, the anticipated impact of those efforts on  
17 enrollment, and the costs associated with that enrollment.

18 (3) To ensure continuity of care and ease of understanding for  
19 families and health care providers, and to maximize the efficiency of  
20 the program, the amount, scope, and duration of health care services  
21 provided to children under this section shall be the same as that  
22 provided to children under medical assistance, as defined in RCW  
23 74.09.520.

24 (4) The primary mechanism for purchasing health care coverage under  
25 this section shall be through contracts with managed health care  
26 systems as defined in RCW 74.09.522, subject to conditions,  
27 limitations, and appropriations provided in the biennial appropriations  
28 act. However, the department shall make every effort within available  
29 resources to purchase health care coverage for uninsured children whose  
30 families have access to dependent coverage through an employer-  
31 sponsored health plan or another source when it is cost-effective for  
32 the state to do so, and the purchase is consistent with requirements of  
33 Title XIX and Title XXI of the federal social security act. To the  
34 extent allowable under federal law, the department shall require  
35 families to enroll in available employer-sponsored coverage, as a  
36 condition of participating in the program established under this  
37 section, when it is cost-effective for the state to do so. Families

1 who enroll in available employer-sponsored coverage under this section  
2 shall be accounted for separately in the annual report required by RCW  
3 74.09.053.

4 (5)(a) To reflect appropriate parental responsibility, the  
5 department shall develop and implement a schedule of premiums for  
6 children's health care coverage due to the department from families  
7 with income greater than two hundred percent of the federal poverty  
8 level. For families with income greater than two hundred fifty percent  
9 of the federal poverty level, the premiums shall be established in  
10 consultation with the senate majority and minority leaders and the  
11 speaker and minority leader of the house of representatives. Premiums  
12 shall be set at a reasonable level that does not pose a barrier to  
13 enrollment. The amount of the premium shall be based upon family  
14 income and shall not exceed the premium limitations in Title XXI of the  
15 federal social security act. Premiums shall not be imposed on children  
16 in households at or below two hundred percent of the federal poverty  
17 level as articulated in RCW 74.09.055.

18 (b) Beginning no later than January 1, 2010, the department shall  
19 offer families whose income is greater than three hundred percent of  
20 the federal poverty level the opportunity to purchase health care  
21 coverage for their children through the programs administered under  
22 this section without an explicit premium subsidy from the state. The  
23 design of the health benefit package offered to these children should  
24 provide a benefit package substantially similar to that offered in the  
25 apple health for kids program, and may differ with respect to cost-  
26 sharing, and other appropriate elements from that provided to children  
27 under subsection (3) of this section including, but not limited to,  
28 application of preexisting conditions, waiting periods, and other  
29 design changes needed to offer affordable coverage. The amount paid by  
30 the family shall be in an amount equal to the rate paid by the state to  
31 the managed health care system for coverage of the child, including any  
32 associated and administrative costs to the state of providing coverage  
33 for the child. Any pooling of the program enrollees that results in  
34 state fiscal impact must be identified and brought to the legislature  
35 for consideration.

36 (6) The department shall undertake and continue a proactive,  
37 targeted outreach and education effort with the goal of enrolling  
38 children in health coverage and improving the health literacy of youth

1 and parents. The department shall collaborate with the department of  
2 health, local public health jurisdictions, the office of the  
3 superintendent of public instruction, the department of early learning,  
4 health educators, health care providers, health carriers, community-  
5 based organizations, and parents in the design and development of this  
6 effort. The outreach and education effort shall include the following  
7 components:

8 (a) Broad dissemination of information about the availability of  
9 coverage, including media campaigns;

10 (b) Assistance with completing applications, and community-based  
11 outreach efforts to help people apply for coverage. Community-based  
12 outreach efforts should be targeted to the populations least likely to  
13 be covered;

14 (c) Use of existing systems, such as enrollment information from  
15 the free and reduced-price lunch program, the department of early  
16 learning child care subsidy program, the department of health's women,  
17 infants, and children program, and the early childhood education and  
18 assistance program, to identify children who may be eligible but not  
19 enrolled in coverage;

20 (d) Contracting with community-based organizations and government  
21 entities to support community-based outreach efforts to help families  
22 apply for coverage. These efforts should be targeted to the  
23 populations least likely to be covered. The department shall provide  
24 informational materials for use by government entities and community-  
25 based organizations in their outreach activities, and should identify  
26 any available federal matching funds to support these efforts;

27 (e) Development and dissemination of materials to engage and inform  
28 parents and families statewide on issues such as: The benefits of  
29 health insurance coverage; the appropriate use of health services,  
30 including primary care provided by health care practitioners licensed  
31 under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency  
32 services; the value of a medical home, well-child services and  
33 immunization, and other preventive health services with linkages to  
34 department of health child profile efforts; identifying and managing  
35 chronic conditions such as asthma and diabetes; and the value of good  
36 nutrition and physical activity;

37 (f) An evaluation of the outreach and education efforts, based upon

1 clear, cost-effective outcome measures that are included in contracts  
2 with entities that undertake components of the outreach and education  
3 effort;

4 (g) An implementation plan to develop online application capability  
5 that is integrated with the department's automated client eligibility  
6 system, and to develop data linkages with the office of the  
7 superintendent of public instruction for free and reduced-price lunch  
8 enrollment information and the department of early learning for child  
9 care subsidy program enrollment information.

10 (7) The department shall take action to increase the number of  
11 primary care physicians providing dental disease preventive services  
12 including oral health screenings, risk assessment, family education,  
13 the application of fluoride varnish, and referral to a dentist as  
14 needed.

15 (8) The department shall monitor the rates of substitution between  
16 private-sector health care coverage and the coverage provided under  
17 this section and shall report to appropriate committees of the  
18 legislature by December 2010.

19 **Sec. 9.** RCW 82.33.010 and 1990 c 229 s 1 are each amended to read  
20 as follows:

21 (1) The economic and revenue forecast council is hereby created.  
22 The council shall consist of (~~two~~) three individuals appointed by the  
23 governor and four individuals, one of whom is appointed by the  
24 chairperson of each of the two largest political caucuses in the senate  
25 and house of representatives. The chair of the council shall be  
26 selected from among the four caucus appointees. The council may select  
27 such other officers as the members deem necessary.

28 (2) The council shall employ an economic and revenue forecast  
29 supervisor to supervise the preparation of all (~~economic and revenue~~)  
30 forecasts. As used in this chapter, "supervisor" means the economic  
31 and revenue forecast supervisor. Approval by an affirmative vote of at  
32 least (~~five~~) six members of the council is required for any decisions  
33 regarding employment of the supervisor. Employment of the supervisor  
34 shall terminate after each term of three years. At the end of the  
35 first year of each three-year term the council shall consider extension  
36 of the supervisor's term by one year. The council (~~may~~) shall fix



1 the compensation of the supervisor, subject to approval by the  
2 legislature in the omnibus appropriations act. The supervisor shall  
3 employ staff sufficient to accomplish the purposes of this section.

4 (3) The (~~economic and revenue~~) forecast council shall oversee the  
5 preparation of and approve, by an affirmative vote of at least (~~four~~)  
6 five members, the official, optimistic, and pessimistic state economic  
7 and revenue forecasts and caseload forecasts prepared under RCW  
8 82.33.020. If the council is unable to approve a forecast before a  
9 date required in RCW 82.33.020, the supervisor shall submit the  
10 forecast without approval and the forecast shall have the same effect  
11 as if approved by the council.

12 (4) A councilmember who does not cast an affirmative vote for  
13 approval of the official economic and revenue forecast may request, and  
14 the supervisor shall provide, an alternative economic and revenue  
15 forecast based on assumptions specified by the member.

16 (5) Members of the economic and revenue forecast council shall  
17 serve without additional compensation but shall be reimbursed for  
18 travel expenses in accordance with RCW 44.04.120 while attending  
19 sessions of the council or on official business authorized by the  
20 council. Nonlegislative members of the council shall be reimbursed for  
21 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

22 (6) "Caseload," as used in this chapter, means the number of  
23 persons expected to meet entitlement requirements and require the  
24 services of public assistance programs, state correctional  
25 institutions, state correctional noninstitutional supervision, state  
26 institutions for juvenile offenders, the common school system, long-  
27 term care, medical assistance, foster care, and adoption support.

28 (7) Unless the context clearly requires otherwise, the definitions  
29 provided in RCW 43.88.020 apply to this chapter.

30 **Sec. 10.** RCW 82.33.020 and 2005 c 319 s 137 are each amended to  
31 read as follows:

32 (1) Four times each year the supervisor shall prepare, subject to  
33 the approval of the economic and revenue forecast council under RCW  
34 82.33.010:

35 (a) An official state economic and revenue forecast;

36 (b) An unofficial state economic and revenue forecast based on  
37 optimistic economic and revenue projections; and

1 (c) An unofficial state economic and revenue forecast based on  
2 pessimistic economic and revenue projections.

3 (2) In consultation with the caseload forecast work group  
4 established under section 11 of this act, and subject to the approval  
5 of the forecast council, the supervisor shall prepare:

6 (a) An official state caseload forecast; and

7 (b) Other caseload forecasts based on alternative assumptions as  
8 the council may determine.

9 (3) The supervisor shall submit forecasts prepared under this  
10 section, along with any unofficial forecasts provided under RCW  
11 82.33.010, to the governor and the members of the committees on ways  
12 and means and the chairs of the committees on transportation of the  
13 senate and house of representatives, including one copy to the staff of  
14 each of the committees ~~((7))~~. Revenue and economic forecasts shall be  
15 submitted on or before November 20th, February 20th in the even-  
16 numbered years, March 20th in the odd-numbered years, June 20th, and  
17 September 20th. All revenue and economic forecasts shall include both  
18 estimated receipts and estimated revenues in conformance with generally  
19 accepted accounting principles as provided by RCW 43.88.037. The  
20 supervisor shall submit caseload forecasts prepared under this section,  
21 along with any unofficial forecasts as provided for under RCW  
22 82.33.010, to the governor and the members of the legislative fiscal  
23 committees, including one copy to the staff of each of the committees.  
24 The forecasts shall be submitted at least three times each year and on  
25 such dates as the council determines will facilitate the development of  
26 budget proposals by the governor and the legislature.

27 ~~((+3))~~ (4) All agencies of state government shall provide to the  
28 supervisor immediate access to all information relating to ~~((economic~~  
29 ~~and revenue))~~ forecasts. Revenue collection information shall be  
30 available to the supervisor the first business day following the  
31 conclusion of each collection period.

32 ~~((+4))~~ (5) The ~~((economic and revenue forecast))~~ supervisor and  
33 staff shall ~~((co-locate and))~~ share information, data, and files with  
34 the tax research section of the department of revenue but shall not  
35 duplicate the duties and functions of one another.

36 ~~((+5))~~ (6) As part of its forecasts under subsection (1) of this  
37 section, the supervisor shall provide estimated revenue from tuition  
38 fees as defined in RCW 28B.15.020.

1       (7) The administrator of the legislative evaluation and  
2 accountability program committee may request, and the supervisor shall  
3 provide, alternative caseload forecasts based on assumptions specified  
4 by the administrator.

5       (8) The official state caseload forecast under this section shall  
6 be the basis of the governor's budget document as provided in RCW  
7 43.88.030 and utilized by the legislature in the development of the  
8 omnibus biennial appropriations act.

9       NEW SECTION. Sec. 11. A new section is added to chapter 82.33 RCW  
10 to read as follows:

11       (1) To promote the free flow of information and to promote  
12 legislative and executive input in the development of assumptions and  
13 preparation of forecasts, immediate access to all information and  
14 statistical models relating to caseload forecasts shall be available to  
15 the caseload forecast work group, hereby created. Each state agency  
16 affected by caseloads shall submit caseload reports and data to the  
17 council as soon as the reports and data are available and shall provide  
18 to the council and the supervisor such additional raw, program-level  
19 data or information as may be necessary for discharge of their  
20 respective duties.

21       (2) The caseload forecast work group shall consist of one staff  
22 member selected by the executive head or chairperson of each of the  
23 following agencies, programs, or committees:

- 24       (a) Office of financial management;
- 25       (b) Ways and means committee, or its successor, of the senate;
- 26       (c) Ways and means committee, or its successor, of the house of  
27 representatives;
- 28       (d) Legislative evaluation and accountability program committee;
- 29       and
- 30       (e) Each state program for which the council forecasts the  
31 caseload.

32       (3) The caseload forecast work group shall provide technical  
33 support to the forecast council. Meetings of the caseload forecast  
34 work group may be called by any member of the group for the purpose of  
35 assisting the council, reviewing forecasts, or for any other purpose  
36 that may assist the council.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 82.33 RCW  
2 to read as follows:

3        The economic and revenue forecast council shall also conduct  
4 analysis of sentencing practices and their impact on correctional  
5 caseloads. To that end, the forecast council shall:

6        (1)(a) Serve as a clearinghouse and information center for the  
7 collection, preparation, analysis, and dissemination of information on  
8 state and local adult and juvenile sentencing practices; (b) develop  
9 and maintain a computerized adult and juvenile sentencing information  
10 system by individual superior court judge consisting of offender,  
11 offense, history, and sentence information entered from judgment and  
12 sentence forms for all adult felons; and (c) conduct ongoing research  
13 regarding adult and juvenile sentencing guidelines, use of total  
14 confinement and alternatives to total confinement, plea bargaining, and  
15 other matters relating to the improvement of the adult criminal justice  
16 system and the juvenile justice system;

17        (2) Not later than December 1, 2011, and at least every two years  
18 thereafter, based on available information, report to the governor and  
19 the legislature on:

20        (a) Racial disproportionality in juvenile and adult sentencing and,  
21 if available, the impact that diversions, such as youth courts, have on  
22 racial disproportionality in juvenile prosecution, adjudication, and  
23 sentencing;

24        (b) The capacity of state and local juvenile and adult facilities  
25 and resources; and

26        (c) Recidivism information on adult and juvenile offenders.

27        **Sec. 13.**    RCW 74.09.470 and 2009 c 463 s 2 are each amended to read  
28 as follows:

29        (1) Consistent with the goals established in RCW 74.09.402, through  
30 the apple health for kids program authorized in this section, the  
31 department shall provide affordable health care coverage to children  
32 under the age of nineteen who reside in Washington state and whose  
33 family income at the time of enrollment is not greater than two hundred  
34 fifty percent of the federal poverty level as adjusted for family size  
35 and determined annually by the federal department of health and human  
36 services, and effective January 1, 2009, and only to the extent that  
37 funds are specifically appropriated therefor, to children whose family

1 income is not greater than three hundred percent of the federal poverty  
2 level. In administering the program, the department shall take such  
3 actions as may be necessary to ensure the receipt of federal financial  
4 participation under the medical assistance program, as codified at  
5 Title XIX of the federal social security act, the state children's  
6 health insurance program, as codified at Title XXI of the federal  
7 social security act, and any other federal funding sources that are now  
8 available or may become available in the future. The department and  
9 the ((caseload)) economic and revenue forecast council shall estimate  
10 the anticipated caseload and costs of the program established in this  
11 section.

12 (2) The department shall accept applications for enrollment for  
13 children's health care coverage; establish appropriate minimum-  
14 enrollment periods, as may be necessary; and determine eligibility  
15 based on current family income. The department shall make eligibility  
16 determinations within the time frames for establishing eligibility for  
17 children on medical assistance, as defined by RCW 74.09.510. The  
18 application and annual renewal processes shall be designed to minimize  
19 administrative barriers for applicants and enrolled clients, and to  
20 minimize gaps in eligibility for families who are eligible for  
21 coverage. If a change in family income results in a change in the  
22 source of funding for coverage, the department shall transfer the  
23 family members to the appropriate source of funding and notify the  
24 family with respect to any change in premium obligation, without a  
25 break in eligibility. The department shall use the same eligibility  
26 redetermination and appeals procedures as those provided for children  
27 on medical assistance programs. The department shall modify its  
28 eligibility renewal procedures to lower the percentage of children  
29 failing to annually renew. The department shall manage its outreach,  
30 application, and renewal procedures with the goals of: (a) Achieving  
31 year by year improvements in enrollment, enrollment rates, renewals,  
32 and renewal rates; (b) maximizing the use of existing program databases  
33 to obtain information related to earned and unearned income for  
34 purposes of eligibility determination and renewals, including, but not  
35 limited to, the basic food program, the child care subsidy program,  
36 federal social security administration programs, and the employment  
37 security department wage database; (c) streamlining renewal processes  
38 to rely primarily upon data matches, online submissions, and telephone

1 interviews; and (d) implementing any other eligibility determination  
2 and renewal processes to allow the state to receive an enhanced federal  
3 matching rate and additional federal outreach funding available through  
4 the federal children's health insurance program reauthorization act of  
5 2009 by January 2010. The department shall advise the governor and the  
6 legislature regarding the status of these efforts by September 30,  
7 2009. The information provided should include the status of the  
8 department's efforts, the anticipated impact of those efforts on  
9 enrollment, and the costs associated with that enrollment.

10 (3) To ensure continuity of care and ease of understanding for  
11 families and health care providers, and to maximize the efficiency of  
12 the program, the amount, scope, and duration of health care services  
13 provided to children under this section shall be the same as that  
14 provided to children under medical assistance, as defined in RCW  
15 74.09.520.

16 (4) The primary mechanism for purchasing health care coverage under  
17 this section shall be through contracts with managed health care  
18 systems as defined in RCW 74.09.522, subject to conditions,  
19 limitations, and appropriations provided in the biennial appropriations  
20 act. However, the department shall make every effort within available  
21 resources to purchase health care coverage for uninsured children whose  
22 families have access to dependent coverage through an employer-  
23 sponsored health plan or another source when it is cost-effective for  
24 the state to do so, and the purchase is consistent with requirements of  
25 Title XIX and Title XXI of the federal social security act. To the  
26 extent allowable under federal law, the department shall require  
27 families to enroll in available employer-sponsored coverage, as a  
28 condition of participating in the program established under this  
29 section, when it is cost-effective for the state to do so. Families  
30 who enroll in available employer-sponsored coverage under this section  
31 shall be accounted for separately in the annual report required by RCW  
32 74.09.053.

33 (5)(a) To reflect appropriate parental responsibility, the  
34 department shall develop and implement a schedule of premiums for  
35 children's health care coverage due to the department from families  
36 with income greater than two hundred percent of the federal poverty  
37 level. For families with income greater than two hundred fifty percent  
38 of the federal poverty level, the premiums shall be established in

1 consultation with the senate majority and minority leaders and the  
2 speaker and minority leader of the house of representatives. Premiums  
3 shall be set at a reasonable level that does not pose a barrier to  
4 enrollment. The amount of the premium shall be based upon family  
5 income and shall not exceed the premium limitations in Title XXI of the  
6 federal social security act. Premiums shall not be imposed on children  
7 in households at or below two hundred percent of the federal poverty  
8 level as articulated in RCW 74.09.055.

9 (b) Beginning no later than January 1, 2010, the department shall  
10 offer families whose income is greater than three hundred percent of  
11 the federal poverty level the opportunity to purchase health care  
12 coverage for their children through the programs administered under  
13 this section without an explicit premium subsidy from the state. The  
14 design of the health benefit package offered to these children should  
15 provide a benefit package substantially similar to that offered in the  
16 apple health for kids program, and may differ with respect to cost-  
17 sharing, and other appropriate elements from that provided to children  
18 under subsection (3) of this section including, but not limited to,  
19 application of preexisting conditions, waiting periods, and other  
20 design changes needed to offer affordable coverage. The amount paid by  
21 the family shall be in an amount equal to the rate paid by the state to  
22 the managed health care system for coverage of the child, including any  
23 associated and administrative costs to the state of providing coverage  
24 for the child. Any pooling of the program enrollees that results in  
25 state fiscal impact must be identified and brought to the legislature  
26 for consideration.

27 (6) The department shall undertake and continue a proactive,  
28 targeted outreach and education effort with the goal of enrolling  
29 children in health coverage and improving the health literacy of youth  
30 and parents. The department shall collaborate with the department of  
31 health, local public health jurisdictions, the office of the  
32 superintendent of public instruction, the department of early learning,  
33 health educators, health care providers, health carriers, community-  
34 based organizations, and parents in the design and development of this  
35 effort. The outreach and education effort shall include the following  
36 components:

37 (a) Broad dissemination of information about the availability of  
38 coverage, including media campaigns;

1 (b) Assistance with completing applications, and community-based  
2 outreach efforts to help people apply for coverage. Community-based  
3 outreach efforts should be targeted to the populations least likely to  
4 be covered;

5 (c) Use of existing systems, such as enrollment information from  
6 the free and reduced-price lunch program, the department of early  
7 learning child care subsidy program, the department of health's women,  
8 infants, and children program, and the early childhood education and  
9 assistance program, to identify children who may be eligible but not  
10 enrolled in coverage;

11 (d) Contracting with community-based organizations and government  
12 entities to support community-based outreach efforts to help families  
13 apply for coverage. These efforts should be targeted to the  
14 populations least likely to be covered. The department shall provide  
15 informational materials for use by government entities and community-  
16 based organizations in their outreach activities, and should identify  
17 any available federal matching funds to support these efforts;

18 (e) Development and dissemination of materials to engage and inform  
19 parents and families statewide on issues such as: The benefits of  
20 health insurance coverage; the appropriate use of health services,  
21 including primary care provided by health care practitioners licensed  
22 under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency  
23 services; the value of a medical home, well-child services and  
24 immunization, and other preventive health services with linkages to  
25 department of health child profile efforts; identifying and managing  
26 chronic conditions such as asthma and diabetes; and the value of good  
27 nutrition and physical activity;

28 (f) An evaluation of the outreach and education efforts, based upon  
29 clear, cost-effective outcome measures that are included in contracts  
30 with entities that undertake components of the outreach and education  
31 effort;

32 (g) An implementation plan to develop online application capability  
33 that is integrated with the department's automated client eligibility  
34 system, and to develop data linkages with the office of the  
35 superintendent of public instruction for free and reduced-price lunch  
36 enrollment information and the department of early learning for child  
37 care subsidy program enrollment information.



1 (7) The department shall take action to increase the number of  
2 primary care physicians providing dental disease preventive services  
3 including oral health screenings, risk assessment, family education,  
4 the application of fluoride varnish, and referral to a dentist as  
5 needed.

6 (8) The department shall monitor the rates of substitution between  
7 private-sector health care coverage and the coverage provided under  
8 this section and shall report to appropriate committees of the  
9 legislature by December 2010.

10 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
11 each repealed:

12 (1) RCW 9.94A.855 (Sentencing guidelines commission--Research  
13 staff--Data, information, assistance--Bylaws--Salary of executive  
14 officer) and 2005 c 282 s 20, 1999 c 143 s 10, 1982 c 192 s 3, & 1981  
15 c 137 s 5;

16 (2) RCW 9.94A.863 (Monetary threshold amounts of property crimes--  
17 Review--Report) and 2009 c 431 s 2;

18 (3) RCW 43.88C.010 (Caseload forecast council--Caseload forecast  
19 supervisor--Oversight and approval of official caseload forecast--  
20 Alternative forecast--Travel reimbursement--Definitions) and 2000 c 90  
21 s 1 & 1997 c 168 s 1;

22 (4) RCW 43.88C.020 (Preparation and submittal of caseload  
23 forecasts--Cooperation of state agencies--Official state caseload  
24 forecast) and 1997 c 168 s 2; and

25 (5) RCW 43.88C.030 (Caseload forecast work group--Submittal of data  
26 by state agencies--Meetings) and 1997 c 168 s 3.

27 NEW SECTION. **Sec. 15.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 16.** This act takes effect July 1, 2010.

--- END ---