
SENATE BILL 6849

State of Washington 61st Legislature 2010 Regular Session

By Senators Pridemore and Zarelli

Read first time 02/05/10. Referred to Committee on Ways & Means.

1 AN ACT Relating to consolidating forecast functions; amending RCW
2 9.94A.480, 9.94A.850, 10.98.140, 41.06.087, 41.45.030, 41.45.120,
3 43.88.020, 43.88.030, 43.88.120, 46.01.325, 50.38.050, 70.94.431,
4 70.94.483, 70.94.6528, 74.09.470, 82.33.010, 82.33.020, 82.33.040,
5 82.33.050, 90.90.070, and 74.09.470; adding new sections to chapter
6 82.33 RCW; creating a new section; repealing RCW 9.94A.855, 9.94A.863,
7 43.88C.010, 43.88C.020, and 43.88C.030; and providing an effective
8 date.

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

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

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

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

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

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

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

23 (c) Any felony with any deadly weapon special verdict under RCW
24 (~~9.94A.602~~) 9.94A.825;

25 (d) Any felony with any deadly weapon enhancements under RCW
26 9.94A.533 (3) or (4), or both; and/or

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

31 (3) The (~~sentencing guidelines commission~~) forecast council shall
32 compare each individual judge's sentencing practices to the standard or
33 presumptive sentence range for any and all felony crimes listed in
34 subsection (2) of this section for the appropriate offense level as
35 defined in RCW 9.94A.515 or 9.94A.518, offender score as defined in RCW
36 9.94A.525, and any applicable deadly weapon enhancements as defined in
37 RCW 9.94A.533 (3) or (4), or both. These comparative records shall be

1 retained and made available to the public for review in a current,
2 newly created or reworked official published document by the
3 (~~sentencing guidelines commission~~) forecast council.

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

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

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

22 (1) A sentencing guidelines commission is established (~~as an~~
23 ~~agency of state government~~) within the department of corrections.

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

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

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

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

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

1 (b) Recommend to the legislature revisions or modifications to the
2 standard sentence ranges, state sentencing policy, prosecuting
3 standards, and other standards. If implementation of the revisions or
4 modifications would result in exceeding the capacity of correctional
5 facilities, then the commission shall accompany its recommendation with
6 an additional list of standard sentence ranges which are consistent
7 with correction capacity;

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

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

21 ~~(e))~~ Assume the powers and duties of the juvenile disposition
22 standards commission after June 30, 1996; and

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

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

1 recommendations for modification of the disposition standards. The
2 administrative office of the courts shall provide the commission with
3 available data on diversion, including the use of youth court programs,
4 and dispositions of juvenile offenders under chapter 13.40 RCW(~~and~~

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

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

12 ~~(ii) The capacity of state and local juvenile and adult facilities~~
13 ~~and resources; and~~

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

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

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

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

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

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

34 (5) The sentencing guidelines commission shall (~~exercise its~~
35 ~~duties under this section in conformity with chapter 34.05 RCW)) review
36 the monetary threshold amounts differentiating the various degrees of
37 property crimes in Washington state to determine whether such amounts~~

1 should be modified. The sentencing guidelines commission shall report
2 to the legislature with its recommendations by November 1, 2014, and
3 every five years thereafter.

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

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

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

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

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

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

30 **Sec. 6.** RCW 41.45.030 and 2007 c 280 s 1 are each amended to read
31 as follows:

32 (1) Beginning September 1, 2007, and every two years thereafter,
33 the state actuary shall submit to the council information regarding the
34 experience and financial condition of each state retirement system, and

1 make recommendations regarding the long-term economic assumptions set
2 forth in RCW 41.45.035. The council shall review this and such other
3 information as it may require.

4 (2) By October 31, 2007, and every two years thereafter, the
5 council, by affirmative vote of four councilmembers, may adopt changes
6 to the long-term economic assumptions established in RCW 41.45.035.
7 Any changes adopted by the council shall be subject to revision by the
8 legislature.

9 The council shall consult with the ((~~economic and revenue~~))
10 forecast supervisor and the executive director of the state investment
11 board, and shall consider long-term historical averages, in reviewing
12 possible changes to the economic assumptions.

13 (3) The assumptions and the asset value smoothing technique
14 established in RCW 41.45.035, as modified in the future by the council
15 or legislature, shall be used by the state actuary in conducting all
16 actuarial studies of the state retirement systems, including actuarial
17 fiscal notes under RCW 44.44.040. The assumptions shall also be used
18 for the administration of benefits under the retirement plans listed in
19 RCW 41.45.020, pursuant to timelines and conditions established by
20 department rules.

21 **Sec. 7.** RCW 41.45.120 and 1998 c 283 s 4 are each amended to read
22 as follows:

23 (1) A pension funding work group is hereby created. The work group
24 shall consist of one staff member selected by the executive head or
25 chairperson of each of the following agencies or committees:

- 26 (a) Department of retirement systems;
- 27 (b) Office of financial management;
- 28 (c) State investment board;
- 29 (d) Ways and means committee of the senate;
- 30 (e) Appropriations committee of the house of representatives; and
- 31 (f) ((~~Economic and revenue~~)) Forecast council.

32 (2) The state actuary shall make available to the work group
33 information related to economic assumptions and contribution rates.

34 (3) The pension funding work group shall provide support to the
35 pension funding council. Meetings of the pension funding work group
36 may be called by any member of the group for the purpose of assisting

1 the pension funding council, reviewing actuarial valuations of the
2 state retirement systems, reviewing economic assumptions, or for any
3 other purpose which may assist the pension funding council.

4 (4) Recommendations from both affected employee and employer groups
5 will be actively sought during the work group process. The work group
6 shall conduct an open public meeting on these recommendations.

7 **Sec. 8.** RCW 43.88.020 and 2005 c 319 s 107 are each amended to
8 read as follows:

9 (1) "Budget" means a proposed plan of expenditures for a given
10 period or purpose and the proposed means for financing these
11 expenditures.

12 (2) "Budget document" means a formal statement, either written or
13 provided on any electronic media or both, offered by the governor to
14 the legislature, as provided in RCW 43.88.030.

15 (3) "Director of financial management" means the official appointed
16 by the governor to serve at the governor's pleasure and to whom the
17 governor may delegate necessary authority to carry out the governor's
18 duties as provided in this chapter. The director of financial
19 management shall be head of the office of financial management which
20 shall be in the office of the governor.

21 (4) "Agency" means and includes every state office, officer, each
22 institution, whether educational, correctional, or other, and every
23 department, division, board, and commission, except as otherwise
24 provided in this chapter.

25 (5) "Public funds", for purposes of this chapter, means all moneys,
26 including cash, checks, bills, notes, drafts, stocks, and bonds,
27 whether held in trust, for operating purposes, or for capital purposes,
28 and collected or disbursed under law, whether or not such funds are
29 otherwise subject to legislative appropriation, including funds
30 maintained outside the state treasury.

31 (6) "Regulations" means the policies, standards, and requirements,
32 stated in writing, designed to carry out the purposes of this chapter,
33 as issued by the governor or the governor's designated agent, and which
34 shall have the force and effect of law.

35 (7) "Ensuing biennium" means the fiscal biennium beginning on July
36 1st of the same year in which a regular session of the legislature is

1 held during an odd-numbered year pursuant to Article II, section 12 of
2 the Constitution and which biennium next succeeds the current biennium.

3 (8) "Dedicated fund" means a fund in the state treasury, or a
4 separate account or fund in the general fund in the state treasury,
5 that by law is dedicated, appropriated, or set aside for a limited
6 object or purpose; but "dedicated fund" does not include a revolving
7 fund or a trust fund.

8 (9) "Revolving fund" means a fund in the state treasury,
9 established by law, from which is paid the cost of goods or services
10 furnished to or by a state agency, and which is replenished through
11 charges made for such goods or services or through transfers from other
12 accounts or funds.

13 (10) "Trust fund" means a fund in the state treasury in which
14 designated persons or classes of persons have a vested beneficial
15 interest or equitable ownership, or which was created or established by
16 a gift, grant, contribution, devise, or bequest that limits the use of
17 the fund to designated objects or purposes.

18 (11) "Administrative expenses" means expenditures for: (a)
19 Salaries, wages, and related costs of personnel and (b) operations and
20 maintenance including but not limited to costs of supplies, materials,
21 services, and equipment.

22 (12) "Fiscal year" means the year beginning July 1st and ending the
23 following June 30th.

24 (13) "Lapse" means the termination of authority to expend an
25 appropriation.

26 (14) "Legislative fiscal committees" means the joint legislative
27 audit and review committee, the legislative evaluation and
28 accountability program committee, and the ways and means and
29 transportation committees of the senate and house of representatives.

30 (15) "Fiscal period" means the period for which an appropriation is
31 made as specified within the act making the appropriation.

32 (16) "Primary budget driver" means the primary determinant of a
33 budget level, other than a price variable, which causes or is
34 associated with the major expenditure of an agency or budget unit
35 within an agency, such as a caseload, enrollment, workload, or
36 population statistic.

37 (17) "State tax revenue limit" means the limitation created by
38 chapter 43.135 RCW.

1 (18) "General state revenues" means the revenues defined by Article
2 VIII, section 1(c) of the state Constitution.

3 (19) "Annual growth rate in real personal income" means the
4 estimated percentage growth in personal income for the state during the
5 current fiscal year, expressed in constant value dollars, as published
6 by the office of financial management or its successor agency.

7 (20) "Estimated revenues" means estimates of revenue in the most
8 recent official economic and revenue forecast prepared under RCW
9 82.33.020, and prepared by the office of financial management for those
10 funds, accounts, and sources for which the office of the (~~economic and~~
11 ~~revenue~~) forecast council does not prepare an official forecast, that
12 are prepared by the office of financial management in consultation with
13 the transportation revenue forecast council.

14 (21) "Estimated receipts" means the estimated receipt of cash in
15 the most recent official economic and revenue forecast prepared under
16 RCW 82.33.020, and prepared by the office of financial management for
17 those funds, accounts, and sources for which the office of the
18 (~~economic and revenue~~) forecast council does not prepare an official
19 forecast.

20 (22) "State budgeting, accounting, and reporting system" means a
21 system that gathers, maintains, and communicates fiscal information.
22 The system links fiscal information beginning with development of
23 agency budget requests through adoption of legislative appropriations
24 to tracking actual receipts and expenditures against approved plans.

25 (23) "Allotment of appropriation" means the agency's statement of
26 proposed expenditures, the director of financial management's review of
27 that statement, and the placement of the approved statement into the
28 state budgeting, accounting, and reporting system.

29 (24) "Statement of proposed expenditures" means a plan prepared by
30 each agency that breaks each appropriation out into monthly detail
31 representing the best estimate of how the appropriation will be
32 expended.

33 (25) "Undesignated fund balance (or deficit)" means unreserved and
34 undesignated current assets or other resources available for
35 expenditure over and above any current liabilities which are expected
36 to be incurred by the close of the fiscal period.

37 (26) "Internal audit" means an independent appraisal activity
38 within an agency for the review of operations as a service to

1 management, including a systematic examination of accounting and fiscal
2 controls to assure that human and material resources are guarded
3 against waste, loss, or misuse; and that reliable data are gathered,
4 maintained, and fairly disclosed in a written report of the audit
5 findings.

6 (27) "Performance verification" means an analysis that (a) verifies
7 the accuracy of data used by state agencies in quantifying intended
8 results and measuring performance toward those results, and (b)
9 verifies whether or not the reported results were achieved.

10 (28) "Performance audit" has the same meaning as it is defined in
11 RCW 44.28.005.

12 **Sec. 9.** RCW 43.88.030 and 2006 c 334 s 43 are each amended to read
13 as follows:

14 (1) The director of financial management shall provide all agencies
15 with a complete set of instructions for submitting biennial budget
16 requests to the director at least three months before agency budget
17 documents are due into the office of financial management. The budget
18 document or documents shall consist of the governor's budget message
19 which shall be explanatory of the budget and shall contain an outline
20 of the proposed financial policies of the state for the ensuing fiscal
21 period, as well as an outline of the proposed six-year financial
22 policies where applicable, and shall describe in connection therewith
23 the important features of the budget. The biennial budget document or
24 documents shall also describe performance indicators that demonstrate
25 measurable progress towards priority results. The message shall set
26 forth the reasons for salient changes from the previous fiscal period
27 in expenditure and revenue items and shall explain any major changes in
28 financial policy. Attached to the budget message shall be such
29 supporting schedules, exhibits and other explanatory material in
30 respect to both current operations and capital improvements as the
31 governor shall deem to be useful to the legislature. The budget
32 document or documents shall set forth a proposal for expenditures in
33 the ensuing fiscal period, or six-year period where applicable, based
34 upon the estimated revenues and caseloads as approved by the (~~economic~~
35 ~~and revenue~~) forecast council (~~and caseload forecast council~~) or
36 upon the estimated revenues and caseloads of the office of financial
37 management for those funds, accounts, sources, and programs for which

1 the forecast (~~councils do~~) council does not prepare an official
2 forecast. Revenues shall be estimated for such fiscal period from the
3 source and at the rates existing by law at the time of submission of
4 the budget document, including the supplemental budgets submitted in
5 the even-numbered years of a biennium. However, the estimated revenues
6 and caseloads for use in the governor's budget document may be adjusted
7 to reflect budgetary revenue transfers and revenue and caseload
8 estimates dependent upon budgetary assumptions of enrollments,
9 workloads, and caseloads. All adjustments to the approved estimated
10 revenues and caseloads must be set forth in the budget document. The
11 governor may additionally submit, as an appendix to each supplemental,
12 biennial, or six-year agency budget or to the budget document or
13 documents, a proposal for expenditures in the ensuing fiscal period
14 from revenue sources derived from proposed changes in existing
15 statutes.

16 The budget document or documents shall also contain:

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

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

21 (c) Such additional information dealing with expenditures,
22 revenues, workload, performance, and personnel as the legislature may
23 direct by law or concurrent resolution;

24 (d) Such additional information dealing with revenues and
25 expenditures as the governor shall deem pertinent and useful to the
26 legislature;

27 (e) Tabulations showing expenditures classified by fund, function,
28 and agency;

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

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

34 (h) Tabulations showing each postretirement adjustment by
35 retirement system established after fiscal year 1991, to include, but
36 not be limited to, estimated total payments made to the end of the
37 previous biennial period, estimated payments for the present biennium,
38 and estimated payments for the ensuing biennium.

1 (2) The budget document or documents shall include detailed
2 estimates of all anticipated revenues applicable to proposed operating
3 or capital expenditures and shall also include all proposed operating
4 or capital expenditures. The total of beginning undesignated fund
5 balance and estimated revenues less working capital and other reserves
6 shall equal or exceed the total of proposed applicable expenditures.
7 The budget document or documents shall further include:

8 (a) Interest, amortization and redemption charges on the state
9 debt;

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

11 (c) Other statutory expenditures;

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

13 (e) Revenues derived from agency operations;

14 (f) Expenditures and revenues shall be given in comparative form
15 showing those incurred or received for the immediately past fiscal
16 period and those anticipated for the current biennium and next ensuing
17 biennium;

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

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

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

25 (j) A showing and explanation of anticipated amounts of general
26 fund and other funds required to amortize the unfunded actuarial
27 accrued liability of the retirement system specified under chapter
28 41.45 RCW, and the contributions to meet such amortization, stated in
29 total dollars and as a level percentage of total compensation.

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

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

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

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

1 (b) A capital program consisting of proposed capital projects for
2 the next biennium and the two biennia succeeding the next biennium
3 consistent with the long-range facilities plan. Inasmuch as is
4 practical, and recognizing emergent needs, the capital program shall
5 reflect the priorities, projects, and spending levels proposed in
6 previously submitted capital budget documents in order to provide a
7 reliable long-range planning tool for the legislature and state
8 agencies;

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

11 (d) A strategic plan for reducing backlogs of maintenance and
12 repair projects. The plan shall include a prioritized list of specific
13 facility deficiencies and capital projects to address the deficiencies
14 for each agency, cost estimates for each project, a schedule for
15 completing projects over a reasonable period of time, and
16 identification of normal maintenance activities to reduce future
17 backlogs;

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

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

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

23 (h) Estimated total project cost;

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

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

32 (k) Estimated ensuing biennium costs;

33 (l) Estimated costs beyond the ensuing biennium;

34 (m) Estimated construction start and completion dates;

35 (n) Source and type of funds proposed;

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

1 (p) For any capital appropriation requested for a state agency for
2 the acquisition of land or the capital improvement of land in which the
3 primary purpose of the acquisition or improvement is recreation or
4 wildlife habitat conservation, the capital budget document, or an
5 omnibus list of recreation and habitat acquisitions provided with the
6 governor's budget document, shall identify the projected costs of
7 operation and maintenance for at least the two biennia succeeding the
8 next biennium. Omnibus lists of habitat and recreation land
9 acquisitions shall include individual project cost estimates for
10 operation and maintenance as well as a total for all state projects
11 included in the list. The document shall identify the source of funds
12 from which the operation and maintenance costs are proposed to be
13 funded;

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

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

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

20 For purposes of this subsection (5), the term "capital project"
21 shall be defined subsequent to the analysis, findings, and
22 recommendations of a joint committee comprised of representatives from
23 the house capital appropriations committee, senate ways and means
24 committee, legislative evaluation and accountability program committee,
25 and office of financial management.

26 (6) No change affecting the comparability of agency or program
27 information relating to expenditures, revenues, workload, performance
28 and personnel shall be made in the format of any budget document or
29 report presented to the legislature under this section or RCW
30 43.88.160(1) relative to the format of the budget document or report
31 which was presented to the previous regular session of the legislature
32 during an odd-numbered year without prior legislative concurrence.
33 Prior legislative concurrence shall consist of (a) a favorable majority
34 vote on the proposal by the standing committees on ways and means of
35 both houses if the legislature is in session or (b) a favorable
36 majority vote on the proposal by members of the legislative evaluation
37 and accountability program committee if the legislature is not in
38 session.

1 **Sec. 10.** RCW 43.88.120 and 2000 2nd sp.s. c 4 s 13 are each
2 amended to read as follows:

3 Each agency engaged in the collection of revenues shall prepare
4 estimated revenues and estimated receipts for the current and ensuing
5 biennium and shall submit the estimates to the director of financial
6 management and the director of revenue at times and in the form
7 specified by the directors, along with any other information which the
8 directors may request. For those agencies required to develop six-year
9 programs and financial plans (~~(under RCW 44.40.070)~~), six-year revenue
10 estimates shall be submitted to the director of financial management
11 and the transportation committees of the senate and the house of
12 representatives unless the responsibility for reporting these revenue
13 estimates is assumed elsewhere.

14 A copy of such revenue estimates shall be simultaneously submitted
15 to the economic and revenue forecast work group when required by the
16 office of the (~~economic and revenue~~) forecast council.

17 **Sec. 11.** RCW 46.01.325 and 2005 c 319 s 116 are each amended to
18 read as follows:

19 (1) The director shall prepare, with the advice of the title and
20 registration advisory committee, an annual comprehensive analysis and
21 evaluation of agent and subagent fees. The director shall make
22 recommendations for agent and subagent fee revisions approved by the
23 title and registration advisory committee to the senate and house
24 transportation committees by January 1st of every third year starting
25 with 1996. Fee revision recommendations may be made more frequently
26 when justified by the annual analysis and evaluation, and requested by
27 the title and registration advisory committee.

28 (2) The annual comprehensive analysis and evaluation must consider,
29 but is not limited to:

30 (a) Unique and significant financial, legislative, or other
31 relevant developments that may impact fees;

32 (b) Current funding for ongoing operating and maintenance
33 automation project costs affecting revenue collection and service
34 delivery;

35 (c) Future system requirements including an appropriate sharing of
36 costs between the department, agents, and subagents;

1 (d) Beneficial mix of customer service delivery options based on a
2 fee structure commensurate with quality performance standards;
3 (e) Appropriate indices projecting state and national growth in
4 business and economic conditions prepared by the United States
5 department of commerce, the department of revenue, and the ((~~revenue~~))
6 forecast council for the state of Washington.

7 **Sec. 12.** RCW 50.38.050 and 2009 c 151 s 2 are each amended to read
8 as follows:

9 The department shall have the following duties:

10 (1) Oversight and management of a statewide comprehensive labor
11 market and occupational supply and demand information system, including
12 development of a five-year employment forecast for state and labor
13 market areas;

14 (2) Produce local labor market information packages for the state's
15 counties, including special studies and job impact analyses in support
16 of state and local employment, training, education, and job creation
17 programs, especially activities that prevent job loss, reduce
18 unemployment, and create jobs;

19 (3) Coordinate with the office of financial management and the
20 office of the forecast council to improve employment estimates by
21 enhancing data on corporate officers, improving business establishment
22 listings, expanding sample for employment estimates, and developing
23 business entry/exit analysis relevant to the generation of occupational
24 and economic forecasts;

25 (4) In cooperation with the office of financial management, produce
26 long-term industry and occupational employment forecasts. These
27 forecasts shall be consistent with the official ((~~economic—and~~
28 ~~revenue~~)) forecast council biennial economic and revenue forecasts; and

29 (5) Analyze labor market and economic data, including the use of
30 input-output models, for the purpose of identifying industry clusters
31 and strategic industry clusters that meet the criteria identified by
32 the working group convened by the economic development commission and
33 the workforce training and education coordinating board under chapter
34 43.330 RCW.

35 **Sec. 13.** RCW 70.94.431 and 1995 c 403 s 630 are each amended to
36 read as follows:

1 (1) Except as provided in RCW 43.05.060 through 43.05.080 and
2 43.05.150, and in addition to or as an alternate to any other penalty
3 provided by law, any person who violates any of the provisions of
4 chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules in force
5 under such chapters may incur a civil penalty in an amount not to
6 exceed ten thousand dollars per day for each violation. Each such
7 violation shall be a separate and distinct offense, and in case of a
8 continuing violation, each day's continuance shall be a separate and
9 distinct violation.

10 Any person who fails to take action as specified by an order issued
11 pursuant to this chapter shall be liable for a civil penalty of not
12 more than ten thousand dollars for each day of continued noncompliance.

13 (2) Penalties incurred but not paid shall accrue interest,
14 beginning on the ninety-first day following the date that the penalty
15 becomes due and payable, at the highest rate allowed by RCW 19.52.020
16 on the date that the penalty becomes due and payable. If violations or
17 penalties are appealed, interest shall not begin to accrue until the
18 thirty-first day following final resolution of the appeal.

19 The maximum penalty amounts established in this section may be
20 increased annually to account for inflation as determined by the state
21 office of the (~~economic and revenue~~) forecast council.

22 (3) Each act of commission or omission which procures, aids or
23 abets in the violation shall be considered a violation under the
24 provisions of this section and subject to the same penalty. The
25 penalties provided in this section shall be imposed pursuant to RCW
26 43.21B.300.

27 (4) All penalties recovered under this section by the department
28 shall be paid into the state treasury and credited to the air pollution
29 control account established in RCW 70.94.015 or, if recovered by the
30 authority, shall be paid into the treasury of the authority and
31 credited to its funds. If a prior penalty for the same violation has
32 been paid to a local authority, the penalty imposed by the department
33 under subsection (1) of this section shall be reduced by the amount of
34 the payment.

35 (5) To secure the penalty incurred under this section, the state or
36 the authority shall have a lien on any vessel used or operated in
37 violation of this chapter which shall be enforced as provided in RCW
38 60.36.050.

1 (6) Public or private entities that are recipients or potential
2 recipients of department grants, whether for air quality related
3 activities or not, may have such grants rescinded or withheld by the
4 department for failure to comply with provisions of this chapter.

5 (7) In addition to other penalties provided by this chapter,
6 persons knowingly under-reporting emissions or other information used
7 to set fees, or persons required to pay emission or permit fees who are
8 more than ninety days late with such payments may be subject to a
9 penalty equal to three times the amount of the original fee owed.

10 (8) By January 1, 1992, the department shall develop rules for
11 excusing excess emissions from enforcement action if such excess
12 emissions are unavoidable. The rules shall specify the criteria and
13 procedures for the department and local air authorities to determine
14 whether a period of excess emissions is excusable in accordance with
15 the state implementation plan.

16 **Sec. 14.** RCW 70.94.483 and 2003 1st sp.s. c 25 s 932 are each
17 amended to read as follows:

18 (1) The wood stove education and enforcement account is hereby
19 created in the state treasury. Money placed in the account shall
20 include all money received under subsection (2) of this section and any
21 other money appropriated by the legislature. Money in the account
22 shall be spent for the purposes of the wood stove education program
23 established under RCW 70.94.480 and for enforcement of the wood stove
24 program, and shall be subject to legislative appropriation. However,
25 during the 2003-05 fiscal biennium, the legislature may transfer from
26 the wood stove education and enforcement account to the air pollution
27 control account such amounts as specified in the omnibus operating
28 budget bill.

29 (2) The department of ecology, with the advice of the advisory
30 committee, shall set a flat fee of thirty dollars, on the retail sale,
31 as defined in RCW 82.04.050, of each solid fuel burning device after
32 January 1, 1992. The fee shall be imposed upon the consumer and shall
33 not be subject to the retail sales tax provisions of chapters 82.08 and
34 82.12 RCW. The fee may be adjusted annually above thirty dollars to
35 account for inflation as determined by the state office of the
36 (~~economic and revenue~~) forecast council. The fee shall be collected
37 by the department of revenue in conjunction with the retail sales tax

1 under chapter 82.08 RCW. If the seller fails to collect the fee herein
2 imposed or fails to remit the fee to the department of revenue in the
3 manner prescribed in chapter 82.08 RCW, the seller shall be personally
4 liable to the state for the amount of the fee. The collection
5 provisions of chapter 82.32 RCW shall apply. The department of revenue
6 shall deposit fees collected under this section in the wood stove
7 education and enforcement account.

8 **Sec. 15.** RCW 70.94.6528 and 2009 c 118 s 401 are each amended to
9 read as follows:

10 (1) Any person who proposes to set fires in the course of
11 agricultural activities shall obtain a permit from an air pollution
12 control authority, the department of ecology, or a local entity
13 delegated permitting authority under RCW 70.94.6530. General permit
14 criteria of statewide applicability shall be established by the
15 department, by rule, after consultation with the various air pollution
16 control authorities.

17 (a) Permits shall be issued under this section based on seasonal
18 operations or by individual operations, or both.

19 (b) Incidental agricultural burning consistent with provisions
20 established in RCW 70.94.6524 is allowed without applying for any
21 permit and without the payment of any fee.

22 (2) The department of ecology, local air authorities, or a local
23 entity with delegated permit authority shall:

24 (a) Condition all permits to insure that the public interest in
25 air, water, and land pollution and safety to life and property is fully
26 considered;

27 (b) Condition all burning permits to minimize air pollution insofar
28 as practical;

29 (c) Act upon, within seven days from the date an application is
30 filed under this section, an application for a permit to set fires in
31 the course of agricultural burning for controlling diseases, insects,
32 weed abatement, or development of physiological conditions conducive to
33 increased crop yield;

34 (d) Provide convenient methods for issuance and oversight of
35 agricultural burning permits; and

36 (e) Work, through agreement, with counties and cities to provide

1 convenient methods for granting permission for agricultural burning,
2 including telephone, facsimile transmission, issuance from local city
3 or county offices, or other methods.

4 (3) A local air authority administering the permit program under
5 subsection (2) of this section shall not limit the number of days of
6 allowable agricultural burning, but may consider the time of year,
7 meteorological conditions, and other criteria specified in rules
8 adopted by the department to implement subsection (2) of this section.

9 (4) In addition to following any other requirements established by
10 the department to protect air quality pursuant to other laws,
11 applicants for permits must show that the setting of fires as requested
12 is the most reasonable procedure to follow in safeguarding life or
13 property under all circumstances or is otherwise reasonably necessary
14 to successfully carry out the enterprise in which the applicant is
15 engaged, or both. Nothing in this section relieves the applicant from
16 obtaining permits, licenses, or other approvals required by any other
17 law.

18 (5) The department of ecology, the appropriate local air authority,
19 or a local entity with delegated permitting authority pursuant to RCW
20 70.94.6530 at the time the permit is issued shall assess and collect
21 permit fees for burning under this section. All fees collected shall
22 be deposited in the air pollution control account created in RCW
23 70.94.015, except for that portion of the fee necessary to cover local
24 costs of administering a permit issued under this section. Fees shall
25 be set by rule by the permitting agency at the level determined by the
26 task force created by subsection (6) of this section, but shall not
27 exceed two dollars and fifty cents per acre to be burned. After fees
28 are established by rule, any increases in such fees shall be limited to
29 annual inflation adjustments as determined by the state office of the
30 ((~~economic and revenue~~)) forecast council.

31 (6) An agricultural burning practices and research task force shall
32 be established under the direction of the department. The task force
33 shall be composed of a representative from the department who shall
34 serve as chair; one representative of eastern Washington local air
35 authorities; three representatives of the agricultural community from
36 different agricultural pursuits; one representative of the department
37 of agriculture; two representatives from universities or colleges

1 knowledgeable in agricultural issues; one representative of the public
2 health or medical community; and one representative of the conservation
3 districts. The task force shall:

4 (a) Identify best management practices for reducing air contaminant
5 emissions from agricultural activities and provide such information to
6 the department and local air authorities;

7 (b) Determine the level of fees to be assessed by the permitting
8 agency pursuant to subsection (5) of this section, based upon the level
9 necessary to cover the costs of administering and enforcing the permit
10 programs, to provide funds for research into alternative methods to
11 reduce emissions from such burning, and to the extent possible be
12 consistent with fees charged for such burning permits in neighboring
13 states. The fee level shall provide, to the extent possible, for
14 lesser fees for permittees who use best management practices to
15 minimize air contaminant emissions;

16 (c) Identify research needs related to minimizing emissions from
17 agricultural burning and alternatives to such burning; and

18 (d) Make recommendations to the department on priorities for
19 spending funds provided through this chapter for research into
20 alternative methods to reduce emissions from agricultural burning.

21 (7) Conservation districts and the Washington State University
22 agricultural extension program in conjunction with the department shall
23 develop public education material for the agricultural community
24 identifying the health and environmental effects of agricultural
25 outdoor burning and providing technical assistance in alternatives to
26 agricultural outdoor burning.

27 (8)(a) Outdoor burning that is normal, necessary, and customary to
28 ongoing agricultural activities, that is consistent with agricultural
29 burning authorized under this section and RCW 70.94.6532, is allowed
30 within the urban growth area as described in RCW 70.94.6514 if the
31 burning is not conducted during air quality episodes, or where a
32 determination of impaired air quality has been made as provided in RCW
33 70.94.473, and the agricultural activities preceded the designation as
34 an urban growth area.

35 (b) Outdoor burning of cultivated orchard trees, whether or not
36 agricultural crops will be replanted on the land, shall be allowed as
37 an ongoing agricultural activity under this section if a local
38 horticultural pest and disease board formed under chapter 15.09 RCW, an

1 extension office agent with Washington State University that has
2 horticultural experience, or an entomologist employed by the department
3 of agriculture, has determined in writing that burning is an
4 appropriate method to prevent or control the spread of horticultural
5 pests or diseases.

6 **Sec. 16.** RCW 74.09.470 and 2009 c 463 s 2 are each amended to read
7 as follows:

8 (1) Consistent with the goals established in RCW 74.09.402, through
9 the apple health for kids program authorized in this section, the
10 department shall provide affordable health care coverage to children
11 under the age of nineteen who reside in Washington state and whose
12 family income at the time of enrollment is not greater than two hundred
13 fifty percent of the federal poverty level as adjusted for family size
14 and determined annually by the federal department of health and human
15 services, and effective January 1, 2009, and only to the extent that
16 funds are specifically appropriated therefor, to children whose family
17 income is not greater than three hundred percent of the federal poverty
18 level. In administering the program, the department shall take such
19 actions as may be necessary to ensure the receipt of federal financial
20 participation under the medical assistance program, as codified at
21 Title XIX of the federal social security act, the state children's
22 health insurance program, as codified at Title XXI of the federal
23 social security act, and any other federal funding sources that are now
24 available or may become available in the future. The department and
25 the ~~((caseload))~~ forecast council shall estimate the anticipated
26 caseload and costs of the program established in this section.

27 (2) The department shall accept applications for enrollment for
28 children's health care coverage; establish appropriate minimum-
29 enrollment periods, as may be necessary; and determine eligibility
30 based on current family income. The department shall make eligibility
31 determinations within the time frames for establishing eligibility for
32 children on medical assistance, as defined by RCW 74.09.510. The
33 application and annual renewal processes shall be designed to minimize
34 administrative barriers for applicants and enrolled clients, and to
35 minimize gaps in eligibility for families who are eligible for
36 coverage. If a change in family income results in a change in the
37 source of funding for coverage, the department shall transfer the

1 family members to the appropriate source of funding and notify the
2 family with respect to any change in premium obligation, without a
3 break in eligibility. The department shall use the same eligibility
4 redetermination and appeals procedures as those provided for children
5 on medical assistance programs. The department shall modify its
6 eligibility renewal procedures to lower the percentage of children
7 failing to annually renew. The department shall manage its outreach,
8 application, and renewal procedures with the goals of: (a) Achieving
9 year by year improvements in enrollment, enrollment rates, renewals,
10 and renewal rates; (b) maximizing the use of existing program databases
11 to obtain information related to earned and unearned income for
12 purposes of eligibility determination and renewals, including, but not
13 limited to, the basic food program, the child care subsidy program,
14 federal social security administration programs, and the employment
15 security department wage database; (c) streamlining renewal processes
16 to rely primarily upon data matches, online submissions, and telephone
17 interviews; and (d) implementing any other eligibility determination
18 and renewal processes to allow the state to receive an enhanced federal
19 matching rate and additional federal outreach funding available through
20 the federal children's health insurance program reauthorization act of
21 2009 by January 2010. The department shall advise the governor and the
22 legislature regarding the status of these efforts by September 30,
23 2009. The information provided should include the status of the
24 department's efforts, the anticipated impact of those efforts on
25 enrollment, and the costs associated with that enrollment.

26 (3) To ensure continuity of care and ease of understanding for
27 families and health care providers, and to maximize the efficiency of
28 the program, the amount, scope, and duration of health care services
29 provided to children under this section shall be the same as that
30 provided to children under medical assistance, as defined in RCW
31 74.09.520.

32 (4) The primary mechanism for purchasing health care coverage under
33 this section shall be through contracts with managed health care
34 systems as defined in RCW 74.09.522, subject to conditions,
35 limitations, and appropriations provided in the biennial appropriations
36 act. However, the department shall make every effort within available
37 resources to purchase health care coverage for uninsured children whose
38 families have access to dependent coverage through an employer-

1 sponsored health plan or another source when it is cost-effective for
2 the state to do so, and the purchase is consistent with requirements of
3 Title XIX and Title XXI of the federal social security act. To the
4 extent allowable under federal law, the department shall require
5 families to enroll in available employer-sponsored coverage, as a
6 condition of participating in the program established under this
7 section, when it is cost-effective for the state to do so. Families
8 who enroll in available employer-sponsored coverage under this section
9 shall be accounted for separately in the annual report required by RCW
10 74.09.053.

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

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

1 associated and administrative costs to the state of providing coverage
2 for the child. Any pooling of the program enrollees that results in
3 state fiscal impact must be identified and brought to the legislature
4 for consideration.

5 (6) The department shall undertake and continue a proactive,
6 targeted outreach and education effort with the goal of enrolling
7 children in health coverage and improving the health literacy of youth
8 and parents. The department shall collaborate with the department of
9 health, local public health jurisdictions, the office of the
10 superintendent of public instruction, the department of early learning,
11 health educators, health care providers, health carriers, community-
12 based organizations, and parents in the design and development of this
13 effort. The outreach and education effort shall include the following
14 components:

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

17 (b) Assistance with completing applications, and community-based
18 outreach efforts to help people apply for coverage. Community-based
19 outreach efforts should be targeted to the populations least likely to
20 be covered;

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

27 (d) Contracting with community-based organizations and government
28 entities to support community-based outreach efforts to help families
29 apply for coverage. These efforts should be targeted to the
30 populations least likely to be covered. The department shall provide
31 informational materials for use by government entities and community-
32 based organizations in their outreach activities, and should identify
33 any available federal matching funds to support these efforts;

34 (e) Development and dissemination of materials to engage and inform
35 parents and families statewide on issues such as: The benefits of
36 health insurance coverage; the appropriate use of health services,
37 including primary care provided by health care practitioners licensed
38 under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency

1 services; the value of a medical home, well-child services and
2 immunization, and other preventive health services with linkages to
3 department of health child profile efforts; identifying and managing
4 chronic conditions such as asthma and diabetes; and the value of good
5 nutrition and physical activity;

6 (f) An evaluation of the outreach and education efforts, based upon
7 clear, cost-effective outcome measures that are included in contracts
8 with entities that undertake components of the outreach and education
9 effort;

10 (g) An implementation plan to develop online application capability
11 that is integrated with the department's automated client eligibility
12 system, and to develop data linkages with the office of the
13 superintendent of public instruction for free and reduced-price lunch
14 enrollment information and the department of early learning for child
15 care subsidy program enrollment information.

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

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

25 **Sec. 17.** RCW 82.33.010 and 1990 c 229 s 1 are each amended to read
26 as follows:

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

34 (2) The council shall employ ~~((an economic and revenue))~~ a forecast
35 supervisor to supervise the preparation of all ~~((economic and revenue))~~
36 forecasts. As used in this chapter, "supervisor" means the ~~((economic~~
37 ~~and revenue))~~ forecast supervisor. Approval by an affirmative vote of

1 at least (~~five~~) six members of the council is required for any
2 decisions regarding employment of the supervisor. Employment of the
3 supervisor shall terminate after each term of three years. At the end
4 of the first year of each three-year term the council shall consider
5 extension of the supervisor's term by one year. The council may fix
6 the compensation of the supervisor. The supervisor shall employ staff
7 sufficient to accomplish the purposes of this section.

8 (3) The (~~economic and revenue~~) forecast council shall oversee the
9 preparation of and approve, by an affirmative vote of at least (~~four~~)
10 five members, the official, optimistic, and pessimistic state economic
11 and revenue forecasts and caseload forecasts prepared under RCW
12 82.33.020. If the council is unable to approve a forecast before a
13 date required in RCW 82.33.020, the supervisor shall submit the
14 forecast without approval and the forecast shall have the same effect
15 as if approved by the council.

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

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

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

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

34 **Sec. 18.** RCW 82.33.020 and 2005 c 319 s 137 are each amended to
35 read as follows:

36 (1) Four times each year the supervisor shall prepare, subject to

1 the approval of the (~~economic and revenue~~) forecast council under RCW
2 82.33.010:

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

4 (b) An unofficial state economic and revenue forecast based on
5 optimistic economic and revenue projections; and

6 (c) An unofficial state economic and revenue forecast based on
7 pessimistic economic and revenue projections.

8 (2) In consultation with the caseload forecast work group
9 established under section 20 of this act, and subject to the approval
10 of the forecast council, the supervisor shall prepare:

11 (a) An official state caseload forecast; and

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

14 (3) The supervisor shall submit forecasts prepared under this
15 section, along with any unofficial forecasts provided under RCW
16 82.33.010, to the governor and the members of the committees on ways
17 and means and the chairs of the committees on transportation of the
18 senate and house of representatives, including one copy to the staff of
19 each of the committees(~~7~~). Revenue and economic forecasts shall be
20 submitted on or before November 20th, February 20th in the even-
21 numbered years, March 20th in the odd-numbered years, June 20th, and
22 September 20th. All revenue and economic forecasts shall include both
23 estimated receipts and estimated revenues in conformance with generally
24 accepted accounting principles as provided by RCW 43.88.037. The
25 supervisor shall submit caseload forecasts prepared under this section,
26 along with any unofficial forecasts as provided for under RCW
27 82.33.010, to the governor and the members of the legislative fiscal
28 committees, including one copy to the staff of each of the committees.
29 The forecasts shall be submitted at least three times each year and on
30 such dates as the council determines will facilitate the development of
31 budget proposals by the governor and the legislature.

32 (~~(3)~~) (4) All agencies of state government shall provide to the
33 supervisor immediate access to all information relating to (~~economic~~
34 ~~and revenue~~) forecasts. Revenue collection information shall be
35 available to the supervisor the first business day following the
36 conclusion of each collection period.

37 (~~(4)~~) (5) The (~~economic and revenue forecast~~) supervisor and

1 staff shall (~~co-locate and~~) share information, data, and files with
2 the tax research section of the department of revenue but shall not
3 duplicate the duties and functions of one another.

4 ~~((+5))~~ (6) As part of its forecasts under subsection (1) of this
5 section, the supervisor shall provide estimated revenue from tuition
6 fees as defined in RCW 28B.15.020.

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

11 (8) The official state caseload forecast under this section shall
12 be the basis of the governor's budget document as provided in RCW
13 43.88.030 and utilized by the legislature in the development of the
14 omnibus biennial appropriations act.

15 **Sec. 19.** RCW 82.33.040 and 1986 c 158 s 23 are each amended to
16 read as follows:

17 (1) To promote the free flow of information and to promote
18 legislative input in the preparation of forecasts, immediate access to
19 all information relating to economic and revenue forecasts shall be
20 available to the economic and revenue forecast work group, hereby
21 created. Revenue collection information shall be available to the
22 economic and revenue forecast work group the first business day
23 following the conclusion of each collection period. The economic and
24 revenue forecast work group shall consist of one staff member selected
25 by the executive head or chairperson of each of the following agencies
26 or committees:

27 (a) Department of revenue;

28 (b) Office of financial management;

29 (c) Legislative evaluation and accountability program committee;

30 (d) Ways and means committee of the senate; and

31 (e) Ways and means committee of the house of representatives.

32 (2) The economic and revenue forecast work group shall provide
33 technical support to the (~~economic and revenue~~) forecast council.
34 Meetings of the economic and revenue forecast work group may be called
35 by any member of the group for the purpose of assisting the (~~economic~~
36 ~~and revenue~~) forecast council, reviewing the state economic and

1 revenue forecasts, or reviewing monthly revenue collection data or for
2 any other purpose which may assist the ((economic and revenue))
3 forecast council.

4 NEW SECTION. **Sec. 20.** A new section is added to chapter 82.33 RCW
5 to read as follows:

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

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

19 (a) Office of financial management;

20 (b) Ways and means committee, or its successor, of the senate;

21 (c) Ways and means committee, or its successor, of the house of
22 representatives;

23 (d) Legislative evaluation and accountability program committee;
24 and

25 (e) Each state program for which the council forecasts the
26 caseload.

27 (3) The caseload forecast work group shall provide technical
28 support to the forecast council. Meetings of the caseload forecast
29 work group may be called by any member of the group for the purpose of
30 assisting the council, reviewing forecasts, or for any other purpose
31 that may assist the council.

32 NEW SECTION. **Sec. 21.** A new section is added to chapter 82.33 RCW
33 to read as follows:

34 The forecast council shall also conduct analysis of sentencing
35 practices and their impact on correctional caseloads. To that end, the
36 forecast council shall:

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

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

15 (a) Racial disproportionality in juvenile and adult sentencing and,
16 if available, the impact that diversions, such as youth courts, have on
17 racial disproportionality in juvenile prosecution, adjudication, and
18 sentencing;

19 (b) The capacity of state and local juvenile and adult facilities
20 and resources; and

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

22 **Sec. 22.** RCW 82.33.050 and 2007 c 484 s 3 are each amended to read
23 as follows:

24 The state (~~(economic and revenue)~~) forecast council shall perform
25 the state employment growth forecast and general state revenue
26 estimates required by Article VII, section 12.

27 **Sec. 23.** RCW 90.90.070 and 2008 c 82 s 2 are each amended to read
28 as follows:

29 (1) The Columbia river water delivery account is created in the
30 state treasury. Moneys in the account may be spent only after
31 appropriation. The account consists of all moneys transferred or
32 appropriated to the account by law. The legislature may appropriate
33 moneys in the account:

34 (a) For distributions for purposes of RCW 90.90.060 as provided in
35 this section; and

1 (b) To the department of ecology for other purposes relating to
2 implementation of RCW 90.90.060 and 90.90.080.

3 (2) On July 1, 2008, and each July 1st thereafter for the duration
4 of the agreements described in RCW 90.90.060, the state treasurer shall
5 transfer moneys from the general fund into the Columbia river water
6 delivery account in the amounts described in subsection (3) of this
7 section.

8 (3) Subject to appropriations, on July 1, 2008, and each July 1st
9 thereafter, the state treasurer shall distribute moneys from the
10 Columbia river water delivery account as follows:

11 (a) To the Confederated Tribes of the Colville Reservation, on July
12 1, 2008, the sum of three million seven hundred seventy-five thousand
13 dollars; and on July 1, 2009, the sum of three million six hundred
14 twenty-five thousand dollars. Each July 1st thereafter for the
15 duration of the agreement, the treasurer shall distribute an amount
16 equal to the previous year's distribution adjusted for inflation. The
17 inflation adjustment shall be computed using the percentage change on
18 the implicit price deflator for personal consumption expenditures for
19 the United States for the previous calendar year, as compiled by the
20 bureau of economic analysis of the United States department of commerce
21 and reported in the most recent quarterly publication of the ((~~economic~~
22 ~~and revenue~~)) forecast council or successor agency.

23 (b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of
24 two million two hundred fifty thousand dollars. Each July 1st
25 thereafter for the duration of the agreement, the treasurer shall
26 distribute an amount equal to the previous year's distribution adjusted
27 for inflation. The inflation adjustment shall be computed using the
28 percentage change in the consumer price index for the Washington state
29 Seattle-Tacoma-Bremerton consolidated metropolitan statistical area for
30 the previous calendar year as compiled by the bureau of labor
31 statistics, United States department of labor, and reported in the most
32 recent quarterly publication of the ((~~economic and revenue~~)) forecast
33 council or successor agency.

34 (4) The state treasurer may not distribute moneys from the Columbia
35 river water delivery account to a tribe pursuant to this section unless
36 the director of ecology has certified in writing to the state treasurer
37 and the legislature that the agreement with the tribes is still in
38 effect.

1 **Sec. 24.** RCW 74.09.470 and 2009 c 463 s 2 are each amended to read
2 as follows:

3 (1) Consistent with the goals established in RCW 74.09.402, through
4 the apple health for kids program authorized in this section, the
5 department shall provide affordable health care coverage to children
6 under the age of nineteen who reside in Washington state and whose
7 family income at the time of enrollment is not greater than two hundred
8 fifty percent of the federal poverty level as adjusted for family size
9 and determined annually by the federal department of health and human
10 services, and effective January 1, 2009, and only to the extent that
11 funds are specifically appropriated therefor, to children whose family
12 income is not greater than three hundred percent of the federal poverty
13 level. In administering the program, the department shall take such
14 actions as may be necessary to ensure the receipt of federal financial
15 participation under the medical assistance program, as codified at
16 Title XIX of the federal social security act, the state children's
17 health insurance program, as codified at Title XXI of the federal
18 social security act, and any other federal funding sources that are now
19 available or may become available in the future. The department and
20 the ~~((caseload))~~ forecast council shall estimate the anticipated
21 caseload and costs of the program established in this section.

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

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

20 (3) To ensure continuity of care and ease of understanding for
21 families and health care providers, and to maximize the efficiency of
22 the program, the amount, scope, and duration of health care services
23 provided to children under this section shall be the same as that
24 provided to children under medical assistance, as defined in RCW
25 74.09.520.

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

1 section, when it is cost-effective for the state to do so. Families
2 who enroll in available employer-sponsored coverage under this section
3 shall be accounted for separately in the annual report required by RCW
4 74.09.053.

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

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

37 (6) The department shall undertake and continue a proactive,
38 targeted outreach and education effort with the goal of enrolling

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

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

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

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

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

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

1 (f) An evaluation of the outreach and education efforts, based upon
2 clear, cost-effective outcome measures that are included in contracts
3 with entities that undertake components of the outreach and education
4 effort;

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

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

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

20 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
21 each repealed:

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

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

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

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

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

1 NEW SECTION. **Sec. 26.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 27.** This act takes effect July 1, 2010.

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