

PUGET SOUND PARTNERSHIP LEGISLATIVE UPDATE

March 1, 2022 | DAY 51 OF THE 60-DAY LEGISLATIVE SESSION

Session Overview

The 2022 Legislative Session is in the home stretch.¹ Monday, February 28, was the last day for bills with a fiscal impact to be passed out of fiscal committees in the opposite house. In the remaining days, each chamber must pass bills from the opposite house by Friday, March 4 and the two chambers must reconcile any differences between the House and Senate versions of each bill by the final day of session—Thursday, March 10.

Legislative budget proposals have also been passed by both the House and Senate and full budget comparisons for Puget Sound recovery are [available here](#). Legislators must now negotiate the differences between the House and Senate version to arrive at a final budget—also by March 10.

This update contains a status report on the bills—organized by topic area—we at the Partnership are following this session.

2022 LEGISLATIVE SESSION

- The 2022 Legislative Session is scheduled from January 10 to March 10, 2022.
- More information and all Puget Sound Legislative Updates are posted at: https://psp.wa.gov/legislative_updates.php

If you have questions or concerns about the legislative priorities for the Puget Sound Partnership, please contact:

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How to read status tables

Bill # and short title	Bill #	Short Title	House of origin			Opposite house			Final Passage
			Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
	####	Short bill title	-----		✓ (57-41)	✓ 2/17	✓ 2/25		
	1###	Another bill title	✓	✓	✓	✓ 2/24	X		
	5###	And a third	X						

Bill did not need to go through a portion of the standard process

Bill missed a cutoff and is presumed dead

Must occur by 2/28

Bill was introduced in both houses and only one is moving forward

Must occur by 3/4

Bill was replaced with a substitute version

Must occur by 3/10

Bill passed by this vote tally in the house or senate

¹ If you're not a racing fan you may prefer these equivalent idioms: fourth quarter, third period, ninth inning, final act, last chapter, etc.

2022 Puget Sound Legislative Priorities

On January 5, 2022 the Puget Sound Leadership Council adopted a list of [policy and budget priorities](#). For the nine policy bills that most closely align with these priorities, a summary and status is provided below.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1099	GMA / Climate	- . . .	- . . .	✓ 2sub(57-41)	✓	✓ 2/28		
1117	GMA / Salmon integration	- . . .	- . . .	✓ 2sub(57-40)	✓	X		
1661 5619	Kelp & eelgrass conservation (DNR)	✓	✓	✓ 2sub(49-0)	✓	✓ 2/28		
1672	Conservation futures	- . . .	X					
1700 5598	Derelict vessel removal (DNR)	- . . .	✓	✓ (94-0)	✓	✓ 2/28		
5585	Wastewater permit fee ECY	✓	- . . .	✓ (27-20)	✓	- . . .		
5590	MRAC expiration	✓	- . . .	✓ Sub(47-0)	✓	- . . .		
1838 5727	Lorraine Loomis Act (Gov)	X						
5747	Statewide oil spill plan (ECY)	✓	- . . .	✓ (49-0)	✓	- . . .		

[HB 1099](#) (Duerr) – Improving the state's climate response through updates to the state's comprehensive planning framework.

Status: S. Rules (S. Ways & Means passed amended 2nd Substitute 2/28)

Summary of 2nd Substitute:

- Adds a goal of climate change mitigation to the Growth Management Act (GMA).
- Adds a climate change and resiliency element to the list of elements that must be included within the comprehensive plans certain counties and cities must adopt under the GMA.
- Requires the Department of Commerce (Commerce) to publish guidelines that specify a set of actions counties and cities have available to take to reduce greenhouse gas (GHG) emissions and vehicle miles traveled (VMT).
- Requires the climate change and resiliency element of certain counties and cities to identify actions the jurisdiction will take to reduce GHG emissions and VMT.
- Requires the climate change and resiliency element of the comprehensive plan of certain

A significant amendment to HB 1099 adopted by the Senate Ways & Means committee makes the following changes, among others:

- Strikes the climate change goal and inserts a goal of resiliency.
- Strikes the climate change and resiliency element and replaces it with an element focused on environmental resiliency.
- Strikes the requirement that jurisdictions with update cycles beginning in 2024 must adopt measures that reduce greenhouse gas emissions.
- Provides that a local government's adoption of Commerce's model resiliency element must be optional.

counties and cities to address the adverse impacts of climate change on people, property, and ecological systems.

- Specifies the process by which the GHG emissions reduction subelement of the climate change and resiliency element takes effect.
- Requires Commerce to adopt guidance that creates a model climate change and resiliency element.
- Requires the Department of Ecology to update its Shoreline Master Program guidelines to require Shoreline Master Programs to address the impact of sea level rise and increased storm severity.
- Adds consideration of climate change impacts to the list of elements that must be contained in optional comprehensive flood control management plans.

HB 1117 (Lekanoff) – Promoting salmon recovery through revisions to the state's comprehensive planning framework.

Status: S. Ways & Means (**DEAD FOR SESSION**)

Summary of 2nd Substitute:

- Adds salmon recovery as a goal of the Growth Management Act (GMA).
- Requires the land use element of comprehensive plans adopted under the GMA to include a strategy that achieves net ecological gain of salmon habitat.
- Requires the capital facilities element and transportation element of comprehensive plans to include a schedule for the elimination of all identified fish passage barriers.
- Requires the Department of Fish and Wildlife (DFW) to adopt rules that establish criteria for net ecological gain and consistency with salmon recovery plans that certain counties and cities must meet through the adoption of comprehensive plans.
- Requires development regulations that protect critical areas to apply certain mitigation requirements.
- Requires the DFW to monitor the progress that certain counties and cities have made toward achieving net ecological gain.
- Requires the DFW to provide a report of its monitoring to the Governor, the Legislature, and local governments.

Various amendments to HB 1117 were proposed in the Senate before the bill died. An amendment passed by the Senate Local Government committee retained the requirement to include salmon in GMA planning, but limited the net ecological gain comprehensive plan element to counties west of the Cascades. That amendment also removed mitigation requirements and clarified that the bill would not affect riparian buffer widths or the Voluntary Stewardship Program. A proposed amendment in the Senate Ways & Means Committee would have removed entirely the provisions requiring net ecological gain. Neither amendment resulted in sufficient legislative support to advance the bill past the Feb 28 fiscal cutoff.

HB 1661 (Shewmake) / **SB 5619** (Lovelett) – Conserving and restoring kelp forests and eelgrass meadows in Washington state. (DNR request)

Status: H. Rules (House Appropriations passed second substitute, 2/28)

Summary of 2nd Substitute (minor differences between House and Senate version not summarized):

- Directs the Department of Natural Resources (DNR) to establish a Native Kelp Forest and Eelgrass Meadow Health and Conservation Plan to conserve and restore at least 10,000 acres of kelp forest and eelgrass meadows by 2040.
- Requires DNR to develop a framework to identify and prioritize native kelp forest and eelgrass meadow areas in greatest need of conservation or restoration.
- Requires DNR to map areas of native and nonnative kelp forests and eelgrass meadows, together with areas in which there are both native and nonnative kelp forests and eelgrass meadows throughout Puget Sound and along the coastline and submit the map to OFM and the Legislature by December 1, 2023.
- Requires DNR to submit the plan to the Office of Financial Management and the Legislature by December 1, 2023, and establishes other reporting deadlines.

[HB 1672](#) (Wylie) – Concerning local property tax levies for conservation futures.

Status: H. Finance (**DEAD FOR SESSION**)

Summary: Removes conservation futures property tax levies from the 1 percent revenue growth limit.

[HB 1700](#) (Paul) / [SB 5598](#) (Lovelett) – Concerning sustainable funding for the derelict vessel removal account using the vessel watercraft excise tax. (DNR request)

Status: S. Rules (S. Ways & Means passed, 2/28)

Summary: Requires 25 percent of the Watercraft Excise Tax collected each fiscal year to be deposited in the Derelict Vessel Removal Account.

[SB 5585](#) (Rolfes) – Setting domestic wastewater discharge fees. (ECY request)

Status: H. 2nd Reading (H. Environment & Energy passed, 2/22)

Summary:

- Removes the existing cap on the fee charged for water quality permits administered by the Department of Ecology (Ecology).
- Creates an advisory committee to provide recommendations to Ecology for setting the water quality permit fee rate and schedule.

[SB 5590](#) (Wagoner) – Eliminating the 2022 expiration date of the marine resources advisory council.

Status: H. Rules (H. Environment & Energy passed, 2/24)

Summary: Extends the expiration date of the Marine Resources Advisory Council to June 30, 2032.

[HB 1838](#) (Lekanoff) / [SB 5727](#) (Rolfes) – Protecting, restoring, and maintaining habitat for salmon recovery. (Gov request, also known as the Lorraine Loomis Act)

Status:

- HB 1838: H. Rural Development, Ag & Natural Resources (**DEAD FOR SESSION**)

- SB 5727: S. Ag, Water, Natural Resources & Parks (**DEAD FOR SESSION**)

Summary:

- Requires, with certain specified exemptions, public and private landowners who own property adjacent to a body of water identified and mapped on a riparian management zone map to establish, maintain, and protect the riparian management zone (RMZ).
- Requires the Department of Fish and Wildlife (WDFW) to develop a map that illustrates the RMZ for salmon- and steelhead-bearing rivers and streams.
- Requires the Salmon Recovery Funding Board to develop and implement a statewide riparian habitat conservation grant program to both protect and restore RMZs and ecosystems and provide an opportunity to cost share with landowners.
- Requires the WDFW to provide landowners in priority watersheds with an offer of grant funding to assist in implementation of RMZ requirements.
- Directs the WDFW to ensure compliance with RMZ requirements in prioritized watersheds where progress goals established by the WDFW have not been met.
- Requires the WDFW to maintain a digital web-based atlas of data pertaining to the amount and condition of RMZs.
- Requires counties and cities fully planning under the Growth Management Act to include restoration and protection of RMZs as part of their next scheduled periodic comprehensive plan update.
- Directs the Governor's Office of Indian Affairs to convene a state/tribal riparian management oversight committee.

SB 5747 (Stanford) – Concerning the statewide master oil and hazardous substance spill prevention and contingency plan. (ECY request)

Status: H. 2nd Reading (H. Environment & Energy passed, 2/18)

Summary:

- Expands the entities the Department of Ecology (Ecology) must consult with when developing the statewide master oil and hazardous substance spill prevention and contingency plan (plan).
- Requires the plan to state the responsibilities of federally recognized tribes in the prevention, assessment, containment, and cleanup of a worst-case spill of oil or hazardous substances.
- Adds statutory references related to Ecology's authority to conduct unannounced oil spill drills on covered vessels.

Growth Management

In addition to the two priority Growth Management Act (GMA) improvements listed above, legislators are considering additional bills amending the GMA to ensure the state can accommodate all those who wish to live here with increased housing inventory.

Why it matters: To provide affordable housing while ensuring a healthy Puget Sound, we must accommodate development pressure in urban growth areas and avoid conversion of natural areas and working lands.

The policy and fiscal committees in the opposite house were not a barrier to most bills that passed their house of origin. Several bills continue to move forward that may incentivize increased housing ([HB 1660](#) and [SB 5818](#)). The legislature also continues to advance bills intended to improve planning by adjusting timeframes ([HB 1241](#) and [1978](#)) and coordination with tribal sovereign nations ([HB 1717](#)) for the development of comprehensive plans.

[SB 5312](#), however, did not advance past the Feb 24 cutoff. That bill would have increased funding available to support local governments efforts to increase development near transit.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1241	Planning under GMA	✓	✓	✓ 2 sub (55-43)	✓	-		
1627	Increased access to water, storm, and sewage system	✓	-	X				
1660	Accessory dwelling units	✓	-	✓ Sub (50-48)	✓	-		
1711	Accessory dwelling units	✓	-	X				
1717	GMA planning/tribes	✓	✓	✓ Sub (92-6)	✓	✓ 2/28		
1782 5670	Middle housing near transit (Gov)	✓ ✓	✓	X				
1856	Adding counties to VSP	✓	✓	X				
1978	Shoreline master program schedule	✓	-	✓ (93-1)	✓	-		
1981	Local government planning	✓	-	X				
2066	Exempting infill from SEPA	✓	-	X				
5042	Effective date of actions GMA	-	-	✓ (27-20)	✓	-		
5275	Enhancing opportunity in LAMIRD	-	-	✓ (46-1)	✓	-		
5312	Transit-oriented development	-	-	✓ (48-0)	X			
5593	Urban growth area boundaries	✓	-	✓ Sub (49-0)	✓	-		
5755	Vacant land redevelopment	✓	✓					
5818	Promoting housing construction	✓	-	✓ Sub (44-5)	✓	-		

Water Quality

Water quality-related bills that continue to advance address oil spill planning and response, toxic chemicals in consumer products, and cleanup of contaminated sites. Two bills related to spills and nutrient pollution from wastewater treatments plants in Puget Sound will not advance, although they provided an opportunity to discuss recent progress on managing wastewater pollution and the future funding needed for infrastructure improvements. [SB 5703](#) failed to pass the Feb 28 fiscal cutoff—that bill would have limited the use of toxic chemicals in cosmetic products.

Why it matters: Stormwater from impervious surfaces and wastewater from homes and businesses carry toxic chemicals, nutrients, and other pollutants into Puget Sound waterways.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1691	Financial responsibility for oil spills	✓	✓	✓ 2sub (85-15)	✓	✓ 2/28		
1694	Processes for regulation of priority chemicals	✓	✓	✓ Sub (62-36)	✓	✓ 2/28		
1822	Puget Sound water quality	X						
1996	Stormwater facilities and	X						
5742	county jurisdiction	X						
5525	Water quality actions	X						
5703	Toxics in cosmetic products	✓	✓	✓ 2sub (26-21)	✓	X		
5732	Green roofs	X						
5786	Puget Sound nutrient permits	X						
5895	Timing / remedial action grants	✓	- . . .	✓ (49-0)	- . . .	✓ 2/25		

Water Quantity

All water quantity related bills are now dead for this session. This includes [SB 5746](#), which until the fiscal committee cutoff had benefitted from strong bipartisan support. That bill would have provided consistent and much needed funding to ensure the state can take immediate action upon a drought declaration, even if drought was not foreseen during the legislative session.

Why it matters: Climate change and demands on water resources continue to strain the State’s water systems, including the waterways feeding into Puget Sound and the humans and animals that depend on them.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
5626	Water system plans / climate	✓	✓	✓ Sub (30-19)	X			
5632	Water infrastructure	X						
5746	Drought preparedness	✓	✓	✓ 2sub (49-0)	✓	X		
5857	MTCA water storage	X						
5882	Riparian stock watering	✓	- · -	X				
5966	Cost and water right data	X						

Salmon Recovery and State Governance

A wide variety of bills have been introduced that relate to salmon recovery and other aspects of managing fish and wildlife. One bill of note is [HB 1172](#), which will correct an area of bad law and will bring state code into alignment with the current law around tribal treaty rights.

Why it matters: Puget Sound Chinook salmon and steelhead are listed as threatened under the Endangered Species Act. Salmon recovery requires a coordinated effort and well-managed resources.

Several bills were also introduced to explore changes to the appointment and approval process for Fish and Wildlife Commissioners; they are not advancing this session although the Senate’s proposed budget does provide funding for a legislative task force to review the Fish and Wildlife Commission.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1172	Tribal fishing rights	-	-	✓ (96-0)	✓	-		
1653	Anadromous fish recovery	✓	X					
1869	Salmon recovery/voluntary	X						
1931	Hydropower license fees	-	✓	✓ (95-2)	-	✓ 2/28		
5552	WDFW licensing (DFW)	✓	-	✓ (44-0)	✓	-		
5567	Commercial salmon fishing	✓	X					
5826	Game fish management	✓	-	X				
5968	DFW tracking of salmon	X						
2027	Governance of DFW	X						
5656	Fish and Wildlife Comm	X						
5661	Fish and Wildlife Comm	X						
5721	Consolidating under DNR	X						

Public and Working Lands

Legislators have introduced several bills to expand access to public lands. The only bill from this category advancing ([SB 5504](#)) will extend discover pass free days to all state lands. The Senate’s proposed budget also includes funding to make Discover Passes free for 2022.

Why it matters: Public lands and natural areas provide cultural and health benefits to all residents of Puget Sound. They also provide natural areas for fish and wildlife. Well-managed working lands can also contribute to the natural beauty and functioning habitats of Puget Sound.

Legislators have also introduced a variety of policies to protect working agricultural and forest lands and provide additional resources and support for best practices on those lands. This includes a bill providing technical support for agricultural producers to adopt climate friendly practices and bills requiring DNR to develop plans to protect and restore millions of acres of working forest lands in the coming decades. These bills are not advancing.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1631	Food/environmental stewardship	✓	X					
1823	Outdoor recreation and climate adaptation	X						
1895	Forest conservation (DNR)	X						
5504	Discover pass free days (DFW)	✓	- - - -	✓ 43-0	✓	- - - -		
5608	Free park and land public access	X						
5633	Forest loss prevention (DNR)	X						
5962	30 by 30 conservation goal	X						

Climate Change

Many climate policies continue to advance past the house of origin cutoff, including bills targeting broader use of electric vehicles, adjusting last session’s cap-and-invest law to ensure successful implementation, and increasing energy efficiency in consumer products, appliances, and buildings.

Why it matters: Changing climate and ocean conditions degrade Puget Sound habitats and water quality by changing the chemistry and temperature of water as well as the amount, type, and timing of rain and snow.

Bills that appeared dead earlier in session are also moving again. This includes [HB 1682](#), which as originally introduced would have created a compliance framework for “energy intensive trade exposed” (EITE) industries to comply with the cap and invest program passed in 2021. While that version of the bill did not advance, the bill is moving again after being replaced with a substitute that extends deadlines related to developing a compliance pathway for EITE industries and continues the conversation in the interim.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1280	GHG emissions/public facilit	- - - -	- - - -	✓ (57-40)	✓	- - - -		
1619	Appliance efficiency stands	✓	- - - -	✓ Sub(56-39)	✓	- - - -		
1663	Landfill methane emissions	✓	✓	✓ 2sub(57-40)	✓	✓ 2/28		
1682	Business emission reduction (ECY)	✓ Sub	✓ 2 / 28					
1753	Climate funding/tribes	✓	✓	✓ Sub (94-1)	✓	✓ 2/28		
1766	Gas companies (Gov)	X						
1767	Targeted electrific (Gov)	✓	- - - -	X				
1768	Energy conservation proj	✓	- - - -	✓ Sub(57-38)	✓	- - - -		
1770	Energy codes (Gov)	✓	- - - -	✓ Sub(51-47)	✓	- - - -		
1793	Electric vehicles/HOAs	✓	- - - -	✓ Sub(67-29)	✓	- - - -		
1812	Energy site facility council	✓	✓	✓ 2sub(95-3)	✓	✓ 2/28		
1814	Community solar	✓	✓	✓ 2sub(56-39)				
5493	Residential renewables	X						
5659	Climate and labor standards for state public works	X						
5678	Energy transformation and renewable projects	✓	✓	✓ Sub (49-0)	✓	- - - -		
5714	Solar canopies tax deferral	✓	✓					
5722	Greenhouse gases/buildings (Gov)	✓	✓	✓ Sub (27-22)	✓	✓ 2/28		
5842	Concerning state laws that address climate change	✓	✓	✓ 2sub (29-20)	✓	- - - -		
5872	Power plants / GHG	X						
5908	Clean car authority	X						

Other Policies

Legislators have introduced a variety of additional bills related to Puget Sound recovery.

- [HB 1629](#) calling for a study regarding the use of aerial imaging technology² continues to move forward.
- [SB 5885](#)—which would have created an expanded monitoring program for marine shorelines—did not pass the recent fiscal committee cutoff. Prior to the cutoff, the bill was amended to prohibit the use of any imaging acquired as part of the monitoring program in any civil or criminal enforcement proceeding by any state or local agency, which would have prevented an important use of the survey information. The monitoring work may still get funded in the supplemental budget.
- Also not advancing this session are a pair of joint resolutions ([HJR 4209](#) / [SJR 8210](#)) to amend the Washington state constitution to articulate a right to a clean and healthy environment.³

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1629	Aerial imaging technology	✓	- . - .	✓ Sub (72-26)	✓	✓ 2/28		
5885	Marine shoreline habitat	✓	✓	✓ 2sub (28-21)	✓	X		
4209 8210	Constitution / Natural Resources	X						

Finally, regarding education, bills have been introduced to establish or reinvigorate outdoor and agricultural education programs.

Bill #	Short Title	House of origin			Opposite house			Final passage
		Passed comm	Passed fiscal	Passed house	Passed comm	Passed fiscal	Passed house	
1544	Ag, food, and natural resource education	X						
2078	Outdoor school for all	✓	✓	✓ 2sub (92-6)	- . -	✓ 2/28		

² Aerial imaging has emerged as a critical tool in natural resource management, as exemplified by Ecology’s Shoreline Aerial Photography and Fish and Wildlife’s use of aerial imagery to identify changes in tree canopy and land cover.

³ Adopting such a constitutional amendment would follow in the footsteps of states such as Pennsylvania and New York. Passage of the amendment requires two-thirds majority in the legislature, followed by a simple majority of voters on the next general election ballot.

Budget

Legislative budget proposals have been passed by both the House and Senate. Legislators must now negotiate the differences between the House and Senate version to arrive at a final budget—also by March 10. Below are some of the highlights of the proposed budgets; full budget comparisons for Puget Sound recovery are [available here](#).

- Both the House and Senate proposals include:
 - Major investments in salmon restoration projects (Senate = \$85million; House = \$50million).
 - Various investments to improve riparian zones, including multi-million dollar investments in voluntary incentive programs such as CREP, FREP, and VSP; science and effectiveness studies; and a stakeholder process to discuss changes in policy and spending priorities. Note that both budgets include funding, but it is allocated differently in the two budgets.
 - \$2.576million for PSP’s “Restore Salmon Runs” budget—our highest-ranked operating budget request going into session—to fully fund updates to all Puget Sound watershed’s salmon recovery plans.
 - Investments in salmon abundance and harvest monitoring, and compliance and enforcement.
 - \$8.6million for European Green Crab response.
 - \$360k for statewide fish passage barrier prioritization
 - \$2.7million for 6PPD monitoring, treatment, and safer alternatives
- The House budget also includes:
 - \$250k for GSRO to make recommendations about a long-term salmon recovery fund source
- The Senate budget also includes:
 - New funding for stormwater work on WSDOT roads in the Transportation and Capital budgets, including a total of \$10million for a stormwater park for the I5 ship canal bridge.
 - \$50million in the operating budget for the Duckabush estuary restoration—our highest-ranked capital budget request going into session.

The Senate bills listed below are the vehicles for continued negotiations and the final budget.

Bill #	Short Title	Fiscal hearing	Passed fiscal	Final passage	Opposite house	Enacted budget
1781 5651	Capital Budget	✓ 2/22 ✓ 2/17	✓ 2/24 (sub) ✓ 2/21	✓ 2/23 (49-0)		
1786 5689	Transportation Budget	✓ 2/21 ✓ 2/21	✓ 2/24 ✓ 2/23 (sub)	✓ 2/25 (41-8)	✓ 2/26 (91-3)	
1816 5693	Operating Budget	✓ 2/21 ✓ 2/21	✓ 2/23 (sub) ✓ 2/23 (sub)	✓ 2/25 (29-19)	✓ 2/26 (56-37)	