

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 18, 2014

The House was called to order at 9:00 a.m. by the Speaker Moeller. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Iyana Freeman and Jack Brugato. The Speaker Moeller led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Lee Giermann, Lake Sawyer Christian Church, Washington.

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

RESOLUTION

HOUSE RESOLUTION NO. 4683, by Representatives Chopp, Kristiansen, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, G. Hunt, S. Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, and Zeiger

WHEREAS, It is the policy of the Washington State House of Representatives to recognize the acts of heroism and selflessness of members of the United States Army; and

WHEREAS, U.S. Army Captain William Swenson was awarded the Congressional Medal of Honor October 15, 2013; and

WHEREAS, Captain Swenson, graduate of the United States Army Ranger and Airborne School, received his commission as an Infantry Officer in 2002, and served courageously while stationed three times in Iraq and twice in Afghanistan; and

WHEREAS, Captain Swenson has been the recipient of numerous accolades during his service, including the Bronze Star Medal, the Purple Heart, and the Combat Infantryman Badge; and

WHEREAS, He dutifully served as a mentor to members of the Afghan National Security Forces and was deservedly promoted to the esteemed position of Army captain; and

WHEREAS, During his military service, Captain Swenson served as an advisor with the Afghan Border Police Mentor Team in support of the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, and the 10th Mountain Division; and

WHEREAS, On September 8, 2009, Captain Swenson and members of his unit fought valiantly to disrupt advances from anti-Afghan forces in the Ganjgal Valley, Afghanistan; and

WHEREAS, During this skirmish, Captain Swenson and others successfully rescued missing soldiers and helped coordinate the evacuation of the wounded; and

WHEREAS, Though Sgt. 1st Class Kenneth Westbrook tragically lost his life following the Battle of Ganjgal, Captain

Swenson courageously carried his wounded partner advisor through perilous open ground to an awaiting MedEvac helicopter; and

WHEREAS, Throughout the aforementioned battle and the entirety of his service, Captain Swenson nobly guided and managed his unit and bravely defended and protected fellow soldiers; and

WHEREAS, Captain Swenson retired from military duty in 2011 and now resides in Seattle, Washington; and

WHEREAS, This body recognizes the bravery and sacrifice of all of Washington's military men and women and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor U.S. Army Captain William Swenson, who fought nobly and gallantly to protect his country and fellow soldiers and earned the distinguished Congressional Medal of Honor, for his bravery and sacrifice, and give due recognition for his courage, selflessness, and devotion to the United States of America; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this resolution to Captain William Swenson.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4683.

HOUSE RESOLUTION NO. 4683 was adopted.

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

There being no objection, the Committee on Rules was relieved of SUBSTITUTE HOUSE BILL NO. 2719 and the bill was placed on the second reading calendar:

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) introduced a group of 20 Eagle Scouts, who were presenting their annual report to the state, to the Chamber and asked the members to acknowledge them.

MESSAGES FROM THE SENATE

February 17, 2014

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5112
SENATE BILL NO. 5158
SUBSTITUTE SENATE BILL NO. 5467
SECOND SUBSTITUTE SENATE BILL NO. 5958
SUBSTITUTE SENATE BILL NO. 5975
SUBSTITUTE SENATE BILL NO. 6064
SENATE BILL NO. 6093
SENATE BILL NO. 6114
SENATE BILL NO. 6180
SUBSTITUTE SENATE BILL NO. 6211

SUBSTITUTE SENATE BILL NO. 6279
 SENATE BILL NO. 6514
 SENATE BILL NO. 6555

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

February 17, 2014

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020
 SUBSTITUTE SENATE BILL NO. 5859
 SENATE BILL NO. 5957
 SUBSTITUTE SENATE BILL NO. 6014
 SENATE BILL NO. 6025
 SUBSTITUTE SENATE BILL NO. 6050
 SENATE BILL NO. 6079
 SENATE BILL NO. 6125
 SENATE BILL NO. 6138
 SENATE BILL NO. 6141
 SENATE BILL NO. 6206
 SENATE BILL NO. 6415
 SENATE BILL NO. 6424
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6511
 SUBSTITUTE SENATE BILL NO. 6516
 SENATE BILL NO. 6519

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

INTRODUCTION & FIRST READING

ESSB 6040 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Hargrove, Pearson, Ranker, Parlette and Sheldon)

AN ACT Relating to invasive species; amending RCW 77.15.160, 77.12.020, 77.15.080, 77.15.290, 43.06.010, 43.43.400, 10.31.100, 77.15.360, 82.49.030, and 77.12.879; reenacting and amending RCW 77.08.010; adding new sections to chapter 77.15 RCW; adding a new chapter to Title 77 RCW; creating a new section; repealing RCW 77.12.875, 77.12.878, 77.12.882, 77.15.253, 77.15.293, 77.60.110, and 77.60.120; prescribing penalties; and making appropriations.

Referred to Committee on Agriculture & Natural Resources.

SB 6059 by Senators Brown, Chase, Rivers, Becker, Braun and Bailey

AN ACT Relating to charges for scanning public records; and amending RCW 42.56.120.

Referred to Committee on Government Operations & Elections.

ESSB 6076 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Benton and Dansel)

AN ACT Relating to the maintenance and operations of parks and recreational land acquired through the conservation futures program; and amending RCW 84.34.240.

Referred to Committee on Environment.

SSB 6124 by Senate Committee on Health Care (originally sponsored by Senators Keiser, Dammeier, Hargrove, Ranker, McCoy, Hasegawa, Conway, Darneille, McAuliffe, Cleveland, Billig, Rolfes, Nelson, Mullet, Fraser, Frockt, Eide, Kohl-Welles, Kline, Hobbs, Pedersen, Hatfield, Parlette, Roach and Becker)

AN ACT Relating to developing a state Alzheimer's plan; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 6133 by Senators Braun, Conway, King and Tom

AN ACT Relating to real estate brokers and managing brokers; amending RCW 18.85.451, 18.85.461, and 18.85.471; and providing expiration dates.

Referred to Committee on Business & Financial Services.

ESSB 6137 by Senate Committee on Health Care (originally sponsored by Senators Conway, Pearson, Parlette and Keiser)

AN ACT Relating to pharmacy benefit managers regarding registration, audits, and maximum allowable cost standards; adding a new section to chapter 19.02 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Health Care & Wellness.

SB 6143 by Senators Padden and Sheldon

AN ACT Relating to tenant remedies upon landlord's failure to perform duties; amending RCW 59.18.070; and creating new sections.

Referred to Committee on Judiciary.

ESSB 6181 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Braun, Angel, Bailey, Rivers, Becker and Honeyford)

AN ACT Relating to child care; and amending RCW 43.215.135.

Referred to Committee on Early Learning & Human Services.

SSB 6199 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Braun and Hargrove)

AN ACT Relating to addressing wildfires caused by incendiary devices; amending RCW 76.04.005 and 76.04.455; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SB 6201 by Senators Hasegawa, Kohl-Welles, Chase and Conway

AN ACT Relating to an optional life annuity benefit for plan 2 members of the law enforcement officers' and firefighters' retirement system; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

SB 6219 by Senators Dansel, Sheldon, Hatfield and Hobbs

AN ACT Relating to actions for damage arising from vehicular traffic on a primitive road; and amending RCW 36.75.300.

Referred to Committee on Judiciary.

ESSB 6228 by Senate Committee on Health Care (originally sponsored by Senators Mullet, Tom, Keiser, Frockt, Parlette, Hatfield, Cleveland, Fain, Becker, Ericksen, Rolfes and Pedersen)

AN ACT Relating to transparency tools for consumer information on health care cost and quality; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 6250 by Senate Committee on Commerce & Labor (originally sponsored by Senators Dammeier, Sheldon and Tom)

AN ACT Relating to digital copies of public employees' collective bargaining agreements; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.66 RCW; and adding a new section to chapter 41.58 RCW.

Referred to Committee on Government Operations & Elections.

SB 6358 by Senators Kohl-Welles, Bailey, Frockt, Becker, Chase and Tom

AN ACT Relating to disseminating financial aid policies to admitted and prospective students; adding a new section to chapter 28B.92 RCW; and creating a new section.

Referred to Committee on Higher Education.

SSB 6362 by Senate Committee on Higher Education (originally sponsored by Senators Bailey, Becker, Frockt, Kohl-Welles and Tom)

AN ACT Relating to creating efficiencies for institutions of higher education; and amending RCW 28B.15.102, 42.16.010, 44.28.816, and 43.88.110.

Referred to Committee on Higher Education.

SB 6413 by Senators Fain, Eide, Padden, Pearson, Hobbs, Angel, King, Becker, Tom, Sheldon, Dammeier, Honeyford, Hill, O'Ban, Litzow, Brown, Schoesler and Rolfes

AN ACT Relating to prior offenses for driving under the influence or physical control of a vehicle under the influence; and amending RCW 46.61.5055.

Referred to Committee on Public Safety.

ESSB 6436 by Senate Committee on Higher Education (originally sponsored by Senators Frockt, Bailey, Kohl-Welles and Hargrove)

AN ACT Relating to creating a work group to make recommendations for the continued viability of the college bound scholarship program; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations Subcommittee on Education.

SSB 6446 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Schoesler, Hewitt and Ranker)

AN ACT Relating to payments in lieu of taxes on county game lands; amending RCW 77.12.203; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6499 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Dammeier, McAuliffe, Litzow, Ranker, Billig, Frockt, Tom, Hargrove, Fain and Rivers)

AN ACT Relating to creating the joint task force on local education financing reform; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations Subcommittee on Education.

ESSB 6512 by Senate Committee on Ways & Means (originally sponsored by Senators Becker, Sheldon, Holmquist, Newbry, Rivers, Brown, Padden, Angel, Dammeier, Dansel, King, Hewitt, Honeyford and Pearson)

AN ACT Relating to federal funding programs requiring changes in state law; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1484, by Representatives Stanford and Warnick

Concerning the public works board.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1484 was substituted for House Bill No. 1484 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1484 was read the second time.

Representative Stanford moved the adoption of amendment (741):

On page 14, beginning on line 23, strike all of subsection (b) and insert the following:

"(b) For all construction loan projects (~~proposed to the legislature for funding during the 2013-2015 fiscal biennium~~), the board must (~~base interest rates on the average daily market interest rate for tax exempt municipal bonds as published in the bond buyer's index for the period from sixty to thirty days before the start of the application cycle. For projects with a repayment period between five and twenty years, the rate must be sixty percent of the market rate. For projects with a repayment period under five years, the rate must be thirty percent of the market rate~~) establish lending policies and procedures that are consistent with managing the public works assistance account for long-term sustainability. When determining loan terms that will be in effect for an application round, the board must take into account applicable market rates, but may, at its discretion, use additional factors to set the final loan terms. The board must also provide reduced interest rates(=) or extended repayment periods (~~(= or forgivable principal loans)~~) for projects that meet financial hardship criteria as measured by the affordability index or similar standard measure of financial hardship."

Representatives Stanford and Warnick spoke in favor of the adoption of the amendment.

Amendment (741) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stanford, Warnick and DeBolt spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Morris was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1484, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick,

Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Christian, Overstreet, Scott, Shea and Taylor.

Excused: Representative Morris.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2555, by Representatives Dunshee and Tarleton

Concerning alternative contracting performance goals.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, MacEwen and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2555.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2555, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Morris.

HOUSE BILL NO. 2555, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2719, by Representatives Dunshee and DeBolt

Creating the facilities review council.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2719 was substituted for House Bill No. 2719 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2719 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Scott and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2719.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2719, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Morris.

SUBSTITUTE HOUSE BILL NO. 2719, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2479, by Representatives Green, Holy, Stonier, Hayes, Freeman and Morrell

Placing restrictions on retired law enforcement officers and firefighters employed in certain public positions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green, Holy, Chandler and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2479.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2479, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen,

Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Morris.

HOUSE BILL NO. 2479, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2219, by Representatives Smith, Haler and Green

Concerning golf cart zones established by cities or counties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Smith and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2219.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2219, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Morris.

HOUSE BILL NO. 2219, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Blake to preside.

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1037 and the bill was placed on the second reading calendar:

The Speaker (Representative Blake presiding) called upon Representative Moeller to preside.

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

SECOND READING

HOUSE BILL NO. 2244, by Representatives Stanford, DeBolt, Dunshee, MacEwen, Appleton, Morrell, Blake, Pollet and Ormsby

Restoring resources to the capital budget.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2244 was substituted for House Bill No. 2244 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2244 was read the second time.

Representative MacEwen moved the adoption of amendment (796):

On page 1, line 10, after "~~(2019)~~" strike "2015" and insert "2017"

On page 2, line 31, after "~~(2019)~~" strike "2015" and insert "2017"

On page 3, line 5, after "expenditures." strike all material through "~~For~~" on line 9 and insert "For fiscal years 2016~~(:)~~ and 2017, (~~and 2018,~~) one-half of the taxes received by the state under this chapter must be deposited in the general fund for general purpose expenditures and the remainder deposited in the education legacy trust account created in RCW 83.100.230. (~~For~~"

On page 4, line 6, strike "2015" and insert "2017"

On page 4, beginning on line 9, strike all of sections 5 through 7
Correct the title.

Representatives MacEwen and Warnick spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (796) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stanford, MacEwen, Senn, DeBolt, Dunshee and Pike spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2244.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2244, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Lytton, MacEwen, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives G. Hunt, Harris, Kretz, Kristiansen, Magendanz, Overstreet, Scott, Shea, Taylor, Warnick and Wilcox.

SUBSTITUTE HOUSE BILL NO. 2244, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2536, by Representatives Hudgins, Dahlquist, Bergquist, Lytton, Pettigrew, Orwall, Kagi, Morrell, Roberts, Tharinger, Haigh, Goodman, Walkinshaw, Riccelli, Pollet and S. Hunt

Creating the breakfast after the bell program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2536 was substituted for House Bill No. 2536 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2536 was read the second time.

With the consent of the house, amendment (695) was withdrawn.

Representative Dahlquist moved the adoption of amendment (727):

On page 3, beginning on line 28, after "(b)" strike all material through "waiver" on line 35 and insert "High needs schools that demonstrate that expected direct costs will exceed expected revenues for the breakfast after the bell program are exempt from the requirements of subsection (1) of this section for the ensuing school year. Expected direct costs include but are not limited to the costs of food and other commodities, supplies, compensation for food service workers, and associated custodial services. Expected revenues include federal and state reimbursements for school breakfast, any additional state funds allocated for the purposes of this section, and student co-pays. The office of the superintendent of public instruction shall develop a worksheet for the purposes of this subsection (b) and must notify a qualifying high needs school of its exemption in a timely manner before the start of the school year. A high needs school may reapply annually for the exemption"

Representatives Dahlquist and Stonier spoke in favor of the adoption of the amendment.

Amendment (727) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Dahlquist, Stonier and Kochmar spoke in favor of the passage of the bill.

Representatives Orcutt and Young spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2536.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2536, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Harris, Hawkins, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Kochmar, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, DeBolt, G. Hunt, Haler, Hargrove, Hayes, Holy, Hope, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Overstreet, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Warnick, Wilcox, Young and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2536, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2166, by Representatives Lytton, Robinson, Haigh, Kagi, Magendanz, Dahlquist, Moeller, Seaquist, Johnson, Morrell and Bergquist

Providing for educational data on students from military families.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2166 was substituted for House Bill No. 2166 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2166 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lytton, Dahlquist, Appleton, Johnson, Santos and Muri spoke in favor of the passage of the bill.

Representatives Smith, DeBolt, Hayes and Christian spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2166.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2166, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, DeBolt, Fagan, Harris, Hayes, Holy, Hope, Kretz, Kristiansen, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Vick and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2166, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1709, by Representatives Dahlquist, Santos, Magendanz, Moscoso, Fagan, Ryu, Maxwell, Pollet and Bergquist

Requiring a study to develop a state foreign language education interpreter training program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1709 was substituted for House Bill No. 1709 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1709 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dahlquist and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1709.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1709, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Christian, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins,

Johnson, Kagi, Kirby, Kochmar, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Klippert, Kretz, Orcutt, Overstreet, Pike, Scott, Shea, Short, Taylor, Vick and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1709, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2383, by Representatives Reykdal, Tarleton, Pollet, Stonier, Tharinger, Ryu, Morrell, S. Hunt, Gregerson, Freeman and Santos

Integrating career and college readiness standards into K-12 and higher education policies and practices.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2383 was substituted for House Bill No. 2383 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2383 was read the second time.

Representative Orwall moved the adoption of amendment (643):

On page 3, line 13, after "Specifically," insert "regarding the running start program, the council's analysis shall include a review of the barriers that students face in participating in the program, identification of best practices for making the program accessible and preparing students academically for the program, and the degree completion outcomes of students who participate in the program. Regarding all dual credit programs,"

On page 3, line 17, after "access" strike ", costs, and acceptance of" insert "to, participation in, costs of, and acceptance of,"

Representatives Orwall and Haler spoke in favor of the adoption of the amendment.

Amendment (643) was adopted.

Representative Walkinshaw moved the adoption of amendment (662):

On page 3, line 20, after "(6)" and insert "The office of the superintendent of public instruction and the state board for community and technical colleges shall examine the mentoring and service-learning opportunities available to K-12 and postsecondary students. The office and the state board shall recommend best practices for increasing these opportunities with the goal of integrating the common core state standards and the next generation science standards into these opportunities, and increasing the educational attainment of students. The office and the state board shall submit their recommendations as provided under subsection (7) of this section.

(7)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Walkinshaw and Haler spoke in favor of the adoption of the amendment.

Amendment (662) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reykdal and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2383.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2383, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kristiansen, Lytton, MacEwen, Magendanz, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Christian, Condotta, DeBolt, G. Hunt, Hargrove, Harris, Hawkins, Hayes, Holy, Klippert, Kretz, Manweller, Overstreet, Parker, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Warnick, Young and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2383, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Second Substitute House Bill No. 2383.

Representative Rodne, 5th District

SECOND READING

HOUSE BILL NO. 2540, by Representatives Stonier, Morrell, Magendanz, Fey, Bergquist, Haigh, Freeman and Lytton

Establishing career and technical course equivalencies in science and mathematics.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2540 was substituted for House Bill No. 2540 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2540 was read the second time.

Representative Stonier moved the adoption of amendment (800):

On page 4, line 32, after "course" strike "and" and insert "or"

Representative Stonier spoke in favor of the adoption of the amendment.

Representative Dahlquist spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 57 - YEAS; 41 - NAYS.

Amendment (800) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier, Santos, Orcutt and Reykdal spoke in favor of the passage of the bill.

Representative Dahlquist and Dahlquist (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2540.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2540, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Harris, Hawkins, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Lytton, MacEwen, Magendanz, Moeller, Morrell, Morris, Moscoso, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Christian, Condotta, Dahlquist, Fagan, G. Hunt, Haler, Hargrove, Hayes, Holy, Kretz, Kristiansen, Manweller, Muri, Nealey, Overstreet, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2540, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2108, by Representatives Ross, Moeller and Johnson

Concerning hearing instrument fitter/dispensers.

The bill was read the second time.

Representative Ross moved the adoption of amendment (750):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.35 RCW to read as follows:

(1) The department shall issue an interim work-based learning permit to any applicant who meets the following requirements:

(a) Either:

(i) Possession of a two-year or four-year degree in a field of study approved by the board from an accredited institution of higher education; or

(ii) Current enrollment in a two-year or four-year degree program in a field of study approved by the board in an accredited institution of higher education with no more than one full-time academic year remaining in his or her course of study; and

(b) Designation of a board-approved licensed hearing aid specialist or board-approved licensed audiologist who has agreed to act as the applicant's supervisor under sections 2 and 3 of this act.

(2) The applicant shall complete an application form designated by the department and pay an application fee set by the secretary under RCW 43.70.250. The application form must be signed by both the applicant and the licensed hearing aid specialist or licensed audiologist who has agreed to act as the applicant's supervisor.

(3) An interim work-based learning permit issued under this section expires twelve months after issuance and may be renewed once for a period of twelve months.

NEW SECTION. Sec. 2. A new section is added to chapter 18.35 RCW to read as follows:

(1) A holder of an interim work-based learning permit may engage in the fitting and dispensing of hearing instruments in a board-approved work-based learning pathway. Except as provided in subsection (2) of this section, a holder of an interim work-based learning permit may engage in the fitting and dispensing of hearing instruments only under the direct supervision of a board-approved licensed hearing aid specialist or board-approved licensed audiologist.

(2) A holder of an interim work-based learning permit may engage in the fitting and dispensing of hearing instruments under the indirect supervision of a board-approved licensed hearing aid specialist or board-approved licensed audiologist only after the holder of the interim work-based learning permit has successfully completed the work-based learning pathway. The board shall approve learning pathways established in partnership with private business or pathways established in partnership with accredited institutions of higher education and sponsoring private businesses through work-based learning agreements. The holder of the interim work-based learning permit has successfully completed a work-based learning pathway if:

(a) For a board-approved, work-based learning pathway established in partnership with private business, the supervising hearing aid specialist or audiologist notifies the department and the board that the holder of the work-based learning permit has completed at least five hundred twenty hours of practical training under the direct supervision of the hearing aid specialist or audiologist. The training must include at least the following:

(i) Audiometric testing;

(ii) Counseling regarding hearing examinations;

(iii) Hearing instrument selection;

(iv) Ear mold impressions;

(v) Hearing instrument fitting and follow-up care; and
 (vi) Business practices, including ethics, regulations, and sanitation and infection control; or

(b) For a board-approved, work-based learning pathway established in partnership with an institution of higher education and a sponsoring private business through a work-based learning agreement, the holder of the interim work-based learning permit has completed all of the requirements of the pathway, which must be consistent with the requirements in (a) of this subsection.

NEW SECTION. Sec. 3. A new section is added to chapter 18.35 RCW to read as follows:

(1) A hearing aid specialist or audiologist may supervise an interim work-based learning permit holder only if he or she:

(a) Has been licensed in good standing under this chapter for at least two years;

(b) Practices in an established place of business;

(c) Is responsible for all activities and training of the interim work-based learning permit holder under this chapter; and

(d) Is approved to supervise interim work-based learning permit holders by the board.

(2) A hearing aid specialist or audiologist may supervise no more than three interim work-based learning permit holders at any one time.

(3) An interim work-based learning permit holder shall notify the department and the board within ten working days if:

(a) His or her relationship with his or her existing supervisor is terminated; or

(b) He or she designates a new supervisor who meets the requirements of this section.

Sec. 4. RCW 18.35.010 and 2009 c 301 s 2 are each amended to read as follows:

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

(1) "Assistive listening device or system" means an amplification system that is specifically designed to improve the signal to noise ratio for the listener, reduce interference from noise in the background, and enhance hearing levels at a distance by picking up sound from as close to source as possible and sending it directly to the ear of the listener, excluding hearing instruments as defined in this chapter.

(2) "Audiology" means the application of principles, methods, and procedures related to hearing and the disorders of hearing and to related language and speech disorders, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function, processing, or vestibular function, the application of aural habilitation, rehabilitation, and appropriate devices including fitting and dispensing of hearing instruments, and cerumen management to treat such disorders.

(3) "Board" means the board of hearing and speech.

(4) "Department" means the department of health.

(5) "Direct supervision" means the supervising speech-language pathologist, hearing aid specialist, or audiologist is on-site and in view during the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under direct supervision.

(6) "Establishment" means any permanent site housing a person engaging in the practice of fitting and dispensing of hearing instruments by a hearing (~~(instrument fitter/dispenser)~~ aid specialist or audiologist; where the client can have personal contact and counsel during the firm's business hours; where business is conducted; and the address of which is given to the state for the purpose of bonding.

(7) "Facility" means any permanent site housing a person engaging in the practice of speech-language pathology and/or audiology, excluding the sale, lease, or rental of hearing instruments.

(8) "Fitting and dispensing of hearing instruments" means the sale, lease, or rental or attempted sale, lease, or rental of hearing

instruments together with the selection and modification of hearing instruments and the administration of nondiagnostic tests as specified by RCW 18.35.110 and the use of procedures essential to the performance of these functions; and includes recommending specific hearing instrument systems, specific hearing instruments, or specific hearing instrument characteristics, the taking of impressions for ear molds for these purposes, the use of nondiagnostic procedures and equipment to verify the appropriateness of the hearing instrument fitting, and hearing instrument orientation. The fitting and dispensing of hearing instruments as defined by this chapter may be equally provided by a licensed hearing (~~(instrument fitter/dispenser)~~ aid specialist or licensed audiologist.

(9) "Good standing" means a licensed hearing (~~(instrument fitter/dispenser)~~ aid specialist, licensed audiologist, licensed speech-language pathologist, or certified speech-language pathology assistant whose license or certification has not been subject to sanctions pursuant to chapter 18.130 RCW or sanctions by other states, territories, or the District of Columbia in the last two years.

(10) "Hearing aid specialist" means a person who is licensed to engage in the practice of fitting and dispensing of hearing instruments and meets the qualifications of this chapter.

(11) "Hearing health care professional" means an audiologist or hearing (~~(instrument fitter/dispenser)~~ aid specialist licensed under this chapter or a physician specializing in diseases of the ear licensed under chapter 18.71 RCW.

~~((14))~~ (12) "Hearing instrument" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords, ear molds, and assistive listening devices.

~~((12) "Hearing instrument fitter/dispenser" means a person who is licensed to engage in the practice of fitting and dispensing of hearing instruments and meets the qualifications of this chapter.)~~

(13) "Indirect supervision" means the procedures or tasks are performed under the speech-language pathologist(~~(s)~~), the hearing aid specialist, or the audiologist's overall direction and control, but the speech-language pathologist(~~(s)~~), hearing aid specialist, or audiologist's presence is not required during the performance of the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under indirect supervision.

(14) "Interim permit holder" means a person who holds the permit created under RCW 18.35.060 and who practices under the supervision of a licensed hearing (~~(instrument fitter/dispenser)~~ aid specialist, licensed speech-language pathologist, or licensed audiologist.

(15) "Licensed audiologist" means a person who is licensed by the department to engage in the practice of audiology and meets the qualifications in this chapter.

(16) "Licensed speech-language pathologist" means a person who is licensed by the department to engage in the practice of speech-language pathology and meets the qualifications of this chapter.

(17) "Secretary" means the secretary of health.

(18) "Speech-language pathology" means the application of principles, methods, and procedures related to the development and disorders, whether of organic or nonorganic origin, that impede oral, pharyngeal, or laryngeal sensorimotor competencies and the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and the application of augmentative communication treatment and devices for treatment of such disorders.

(19) "Speech-language pathology assistant" means a person who is certified by the department to provide speech-language pathology services under the direction and supervision of a licensed speech-language pathologist or speech-language pathologist certified as an

educational staff associate by the superintendent of public instruction, and meets all of the requirements of this chapter.

Sec. 5. RCW 18.35.020 and 2006 c 263 s 801 are each amended to read as follows:

(1) No person shall engage in the fitting and dispensing of hearing instruments or imply or represent that he or she is engaged in the fitting and dispensing of hearing instruments unless he or she is a licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, an interim work-based learning permit holder, or a licensed audiologist or holds an interim permit issued by the department as provided in this chapter and is an owner or employee of an establishment that is bonded as provided by RCW 18.35.240. The owner or manager of an establishment that dispenses hearing instruments is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or persons employed by the establishment engaged in fitting and dispensing of hearing instruments. Every establishment that fits and dispenses shall have in its employ at least one licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist or licensed audiologist at all times, and shall annually submit proof that all testing equipment at that establishment that is required by the board to be calibrated has been properly calibrated.

(2) Effective January 1, 2003, no person shall engage in the practice of audiology or imply or represent that he or she is engaged in the practice of audiology unless he or she is a licensed audiologist or holds an audiology interim permit issued by the department as provided in this chapter. Audiologists who are certified as educational staff associates by the Washington professional educator standards board are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed audiologist.

(3) Effective January 1, 2003, no person shall engage in the practice of speech-language pathology or imply or represent that he or she is engaged in the practice of speech-language pathology unless he or she is a licensed speech-language pathologist or holds a speech-language pathology interim permit issued by the department as provided in this chapter. Speech-language pathologists who are certified as educational staff associates by the state board of education are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed speech-language pathologist.

Sec. 6. RCW 18.35.040 and 2009 c 301 s 3 are each amended to read as follows:

(1) An applicant for licensure as a hearing ~~((instrument fitter/dispenser))~~ aid specialist must have the following minimum qualifications and shall pay a fee determined by the secretary as provided in RCW 43.70.250. An applicant shall be issued a license under the provisions of this chapter if the applicant has not committed unprofessional conduct as specified by chapter 18.130 RCW, and:

(a)(i) Satisfactorily completes the hearing ~~((instrument fitter/dispenser))~~ aid specialist examination required by this chapter; and

(ii) Satisfactorily completes;

(A) A minimum of a two-year degree program in hearing ~~((instrument fitter/dispenser))~~ aid specialist instruction. The program must be approved by the board;

(B) A two-year or four-year degree in a field of study approved by the board from an accredited institution of higher education, a work-based learning pathway under sections 1 through 3 of this act, and a practical examination approved by the board. The practical examination must be given at least quarterly, as determined by the board. The department may hire licensed industry experts approved by the board to proctor the examination; or

(C) A nine-month board-approved certificate program offered by

a board-approved hearing aid specialist program and the practical examination in (a)(ii)(B) of this subsection; or

(b) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state as provided in (a) of this subsection; or

(c)(i) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid ~~((fitter/dispenser))~~ specialist in another jurisdiction for at least forty-eight of the last sixty months, and submits proof of completion of advance certification from either the international hearing society or the national board for certification in hearing instrument sciences; and

(ii) Satisfactorily completes the hearing ~~((instrument fitter/dispenser))~~ aid specialist examination required by this chapter or a substantially equivalent examination approved by the board.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(2)(a) An applicant for licensure as a speech-language pathologist or audiologist must have the following minimum qualifications:

(i) Has not committed unprofessional conduct as specified by the uniform disciplinary act;

(ii) Has a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board; and

(iii) Has completed postgraduate professional work experience approved by the board.

(b) All qualified applicants must satisfactorily complete the speech-language pathology or audiology examinations required by this chapter.

(c) The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(3) An applicant for certification as a speech-language pathology assistant shall pay a fee determined by the secretary as provided in RCW 43.70.250 and must have the following minimum qualifications:

(a) An associate of arts or sciences degree, or a certificate of proficiency, from a speech-language pathology assistant program from an institution of higher education that is approved by the board, as is evidenced by the following:

(i) Transcripts showing forty-five quarter hours or thirty semester hours of speech-language pathology coursework; and

(ii) Transcripts showing forty-five quarter hours or thirty semester hours of general education credit; or

(b) A bachelor of arts or bachelor of sciences degree, as evidenced by transcripts, from a speech, language, and hearing program from an institution of higher education that is approved by the board.

Sec. 7. RCW 18.35.050 and 2002 c 310 s 5 are each amended to read as follows:

Except as otherwise provided in this chapter an applicant for license shall appear at a time and place and before such persons as the department may designate to be examined by written or practical tests, or both. Examinations in hearing ~~((instrument fitting/dispersing))~~ aid specialist, speech-language pathology, and audiology shall be held within the state at least once a year. The examinations shall be reviewed annually by the board and the department, and revised as necessary. The examinations shall include appropriate subject matter to ensure the competence of the applicant. Nationally recognized examinations in the fields of fitting and dispensing of hearing instruments, speech-language pathology, and

audiology may be used to determine if applicants are qualified for licensure. An applicant who fails an examination may apply for reexamination upon payment of a reexamination fee. The hearing (~~(instrument fitter/dispenser)~~) aid specialist reexamination fee for hearing (~~(instrument fitter/dispensers)~~) aid specialists and audiologists shall be set by the secretary under RCW 43.70.250.

Sec. 8. RCW 18.35.070 and 1996 c 200 s 8 are each amended to read as follows:

The hearing (~~(instrument fitter/dispenser)~~) aid specialist written or practical examination, or both, provided in RCW 18.35.050 shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing instruments:

(a) Basic physics of sound;

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders; and

(c) Structure and function of hearing instruments.

(2) Tests of proficiency in the following areas as they pertain to the fitting of hearing instruments:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing;

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(c) Effective masking;

(d) Recording and evaluation of audiograms and speech audiometry to determine hearing instrument candidacy;

(e) Selection and adaptation of hearing instruments and testing of hearing instruments; and

(f) Taking ear mold impressions.

(3) Evidence of knowledge regarding the medical and rehabilitation facilities for children and adults that are available in the area served.

(4) Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter.

(5) Any other tests as the board may by rule establish.

Sec. 9. RCW 18.35.090 and 2002 c 310 s 8 are each amended to read as follows:

Each person who engages in practice under this chapter shall comply with administrative procedures and administrative requirements established under RCW 43.70.250 and 43.70.280 and shall keep the license, interim work-based learning permit, or interim permit conspicuously posted in the place of business at all times. The secretary may establish mandatory continuing education requirements and/or continued competency standards to be met by licensees or interim permit holders as a condition for license or interim permit renewal.

Sec. 10. RCW 18.35.095 and 2009 c 301 s 4 are each amended to read as follows:

(1) A hearing (~~(instrument fitter/dispenser)~~) aid specialist licensed under this chapter and not actively practicing may be placed on inactive status by the department at the written request of the licensee. The board shall define by rule the conditions for inactive status licensure. In addition to the requirements of RCW 43.24.086, the licensing fee for a licensee on inactive status shall be directly related to the costs of administering an inactive license by the department. A hearing (~~(instrument fitter/dispenser)~~) aid specialist on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the licensing fee for the licensing year, and complying with subsection (2) of this section.

(2) Hearing (~~(instrument fitter/dispenser)~~) aid specialist inactive licensees applying for active licensure shall comply with the following: A licensee who has not fitted or dispensed hearing instruments for more than five years from the expiration of the licensee's full fee license shall retake the practical or the written, or both, hearing (~~(instrument fitter/dispenser)~~) aid specialist

examinations required under this chapter and other requirements as determined by the board. Persons who have inactive status in this state but who are actively licensed and in good standing in any other state shall not be required to take the hearing (~~(instrument fitter/dispenser)~~) aid specialist practical examination, but must submit an affidavit attesting to their knowledge of the current Washington Administrative Code rules and Revised Code of Washington statutes pertaining to the fitting and dispensing of hearing instruments.

(3) A speech-language pathologist or audiologist licensed under this chapter, or a speech-language pathology assistant certified under this chapter, and not actively practicing either speech-language pathology or audiology may be placed on inactive status by the department at the written request of the license or certification holder. The board shall define by rule the conditions for inactive status licensure or certification. In addition to the requirements of RCW 43.24.086, the fee for a license or certification on inactive status shall be directly related to the cost of administering an inactive license or certification by the department. A person on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the fee for the year, and complying with subsection (4) of this section.

(4) Speech-language pathologist, speech-language pathology assistant, or audiologist inactive license or certification holders applying for active licensure or certification shall comply with requirements set forth by the board, which may include completion of continuing competency requirements and taking an examination.

Sec. 11. RCW 18.35.100 and 2002 c 310 s 10 are each amended to read as follows:

(1) Every hearing (~~(instrument fitter/dispenser)~~) aid specialist, audiologist, speech-language pathologist, interim work-based learning permit holder, or interim permit holder, who is regulated under this chapter, shall notify the department in writing of the regular address of the place or places in the state of Washington where the person practices or intends to practice more than twenty consecutive business days and of any change thereof within ten days of such change. Failure to notify the department in writing shall be grounds for suspension or revocation of the license, interim work-based learning permit, or interim permit.

(2) The department shall keep a record of the places of business of persons who hold licenses, interim work-based learning permits, or interim permits.

(3) Any notice required to be given by the department to a person who holds a license, interim work-based learning permit, or interim permit may be given by mailing it to the address of the last establishment or facility of which the person has notified the department, except that notice to a licensee, interim work-based learning permit, or interim permit holder of proceedings to deny, suspend, or revoke the license, interim work-based learning permit, or interim permit shall be by certified or registered mail or by means authorized for service of process.

Sec. 12. RCW 18.35.105 and 2002 c 310 s 11 are each amended to read as follows:

Each licensee, interim work-based learning permit holder, and interim permit holder under this chapter shall keep records of all services rendered for a minimum of three years. These records shall contain the names and addresses of all persons to whom services were provided. Hearing (~~(instrument fitter/dispensers)~~) aid specialists, audiologists, interim work-based learning permit holders, and interim permit holders shall also record the date the hearing instrument warranty expires, a description of the services and the dates the services were provided, and copies of any contracts and receipts. All records, as required pursuant to this chapter or by rule, shall be owned by the establishment or facility and shall remain with the establishment or facility in the event the licensee changes employment. If a contract between the establishment or facility and the licensee provides that the records are to remain with the licensee,

copies of such records shall be provided to the establishment or facility.

Sec. 13. RCW 18.35.110 and 2002 c 310 s 12 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed or holding an interim permit or an interim work-based learning permit under this chapter may be subject to disciplinary action by the board for any of the following causes:

(1) For unethical conduct in dispensing hearing instruments. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing instrument;

(c) Advertising a particular model, type, or kind of hearing instrument for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(d) Falsifying hearing test or evaluation results;

(e)(i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee, interim work-based learning permit holder, or interim permit holder or on the basis of information furnished by the prospective hearing instrument user prior to fitting and dispensing a hearing instrument to any such prospective hearing instrument user, failing to advise that prospective hearing instrument user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;

(D) Acute or chronic dizziness;

(E) Any unilateral hearing loss;

(F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;

(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;

(H) Pain or discomfort in the ear; or

(I) Any other conditions that the board may by rule establish. It is a violation of this subsection for any licensee or that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing instrument user from seeking such medical opinion prior to the fitting and dispensing of a hearing instrument. No such referral for medical opinion need be made by any licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder in the instance of replacement only of a hearing instrument which has been lost or damaged beyond repair within twelve months of the date of purchase. The licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder or their employees or putative agents shall obtain a signed statement from the hearing instrument user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the licensed hearing ~~((instrument fitter/dispenser))~~

aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder shall maintain a copy of either the physician's statement showing that the prospective hearing instrument user has had a medical evaluation within the previous six months or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing instrument. Nothing in this section required to be performed by a licensee, interim work-based learning permit holder, or interim permit holder shall mean that the licensee, interim work-based learning permit holder, or interim permit holder is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;

(ii) Fitting and dispensing a hearing instrument to any person under eighteen years of age who has not been examined and cleared for hearing instrument use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist or licensed audiologist shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing instrument to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing instruments replaced within twelve months of their purchase;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathic medicine and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing instruments when that is not true, or using the word "doctor," "clinic," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic medicine and surgery profession when such use is not accurate;

(g) Permitting another to use his or her license, interim work-based learning permit, or interim permit;

(h) Stating or implying that the use of any hearing instrument will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiologicaly unsupported claim regarding the efficiency of a hearing instrument;

(i) Representing or implying that a hearing instrument is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

(j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the hearing ~~((instrument fitter/dispenser))~~ aid specialist, audiologist, interim work-based learning permit holder, or interim permit holder, or to influence any person to refrain from dealing in the products of competitors.

(2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020.

(3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

Sec. 14. RCW 18.35.120 and 2002 c 310 s 13 are each amended to read as follows:

A licensee, interim work-based learning permit holder, or interim permit holder under this chapter may also be subject to disciplinary action if the licensee, interim work-based learning permit holder, or interim permit holder:

(1) Is found guilty in any court of any crime involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and ten years have not elapsed since the date of the conviction; or

(2) Has a judgment entered against him or her in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in the action, but a license shall not be issued unless the judgment debt has been discharged; or

(3) Has a judgment entered against him or her under chapter 19.86 RCW and two years have not elapsed since the entry of the final judgment; but a license shall not be issued unless there has been full compliance with the terms of such judgment, if any. The judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license unless the judgment arises out of and is based on acts of the applicant, licensee, or employee of the licensee; or

(4) Commits unprofessional conduct as defined in RCW 18.130.180 of the uniform disciplinary act.

Sec. 15. RCW 18.35.140 and 2002 c 310 s 14 are each amended to read as follows:

The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:

(1) To provide space necessary to carry out the examination set forth in RCW 18.35.070 of applicants for hearing (~~(instrument fitter/dispenser)~~) aid specialist licenses or audiology licenses.

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic examination of testing equipment, as defined by the board, and to carry out the periodic inspection of facilities or establishments of persons who are licensed under this chapter, as reasonably required within the discretion of the department.

(4) To appoint advisory committees as necessary.

(5) To keep a record of proceedings under this chapter and a register of all persons licensed or holding interim permits or interim work-based learning permits under this chapter. The register shall show the name of every living licensee or interim permit holder for hearing (~~(instrument fitting/dispensing)~~) aid specialist, every living interim work-based learning permit holder, every living licensee or interim permit holder for speech-language pathology, and every living licensee or interim permit holder for audiology, with his or her last known place of residence and the date and number of his or her license or interim permit.

Sec. 16. RCW 18.35.150 and 2009 c 301 s 5 are each amended to read as follows:

(1) There is created hereby the board of hearing and speech to govern the three separate professions: Hearing (~~(instrument fitting/dispensing)~~) aid specialist, audiology, and speech-language pathology. The board shall consist of eleven members to be appointed by the governor.

(2) Members of the board shall be residents of this state. Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be hearing (~~(instrument fitter/dispensers)~~) aid specialists who are licensed under this chapter, have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be

actively engaged in fitting and dispensing within two years of appointment. Two members of the board shall be audiologists licensed under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists licensed under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a speech-language pathology assistant certified in Washington. One advisory nonvoting member shall be a medical physician licensed in the state of Washington.

(3) The term of office of a member is three years. Of the initial appointments, one hearing (~~(instrument fitter/dispenser)~~) aid specialist, one speech-language pathologist, one audiologist, and one consumer shall be appointed for a term of two years, and one hearing (~~(instrument fitter/dispenser)~~) aid specialist, one speech-language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms. No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chair shall rotate annually among the hearing (~~(instrument fitter/dispensers)~~) aid specialists, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. A quorum is a majority of the board. A hearing (~~(instrument fitter/dispenser)~~) aid specialist, speech-language pathologist, and audiologist must be represented. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

Sec. 17. RCW 18.35.161 and 2010 c 65 s 4 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing instruments as deemed appropriate and in the public interest;

(2) To adopt any other rules necessary to implement this chapter and which are not inconsistent with it;

(3) To develop, approve, and administer or supervise the administration of examinations to applicants for licensure under this chapter;

(4) To require a licensee, interim work-based learning permit holder, or interim permit holder to make restitution to any individual injured by a violation of this chapter or chapter 18.130 RCW, the uniform disciplinary act. The authority to require restitution does not limit the board's authority to take other action deemed appropriate and provided for in this chapter or chapter 18.130 RCW;

(5) To pass upon the qualifications of applicants for licensure, interim work-based learning permits, or interim permits and to certify to the secretary;

(6) To recommend requirements for continuing education and continuing competency requirements as a prerequisite to renewing a license or certification under this chapter;

(7) To keep an official record of all its proceedings. The record is evidence of all proceedings of the board that are set forth in this record;

(8) To adopt rules, if the board finds it appropriate, in response to questions put to it by professional health associations, hearing ~~((instrument fitter/dispenser))~~ aid specialist, audiologists, speech-language pathologists, interim permit holders, interim work-based learning permit holders, and consumers in this state; and

(9) To adopt rules relating to standards of care relating to hearing ~~((instrument fitter/dispenser))~~ aid specialist or audiologists, including the dispensing of hearing instruments, and relating to speech-language pathologists, including dispensing of communication devices.

Sec. 18. RCW 18.35.172 and 2002 c 310 s 17 are each amended to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, interim work-based learning permits, and interim permits, and the discipline of licensees and permit holders under this chapter.

Sec. 19. RCW 18.35.185 and 2002 c 310 s 19 are each amended to read as follows:

(1) In addition to any other rights and remedies a purchaser may have, the purchaser of a hearing instrument shall have the right to rescind the transaction for other than the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder's breach if:

(a) The purchaser, for reasonable cause, returns the hearing instrument or holds it at the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder's disposal, if the hearing instrument is in its original condition less normal wear and tear. "Reasonable cause" shall be defined by the board but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser about wearing a hearing instrument; and

(b) The purchaser sends notice of the cancellation by certified mail, return receipt requested, to the establishment employing the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder at the time the hearing instrument was originally purchased, and the notice is posted not later than thirty days following the date of delivery, but the purchaser and the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder may extend the deadline for posting of the notice of rescission by mutual, written agreement. In the event the hearing instrument develops a problem which qualifies as a reasonable cause for rescission or which prevents the purchaser from evaluating the hearing instrument, and the purchaser notifies the establishment employing the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder of the problem during the thirty days following the date of delivery and documents such notification, the deadline for posting the notice of rescission shall be extended by an equal number of days as those between the date of the notification of the problem to the date of notification of availability for redeliveries. Where the hearing instrument is returned to the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder for any inspection for modification or repair, and the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder has notified the purchaser that the hearing instrument is available for

redelivery, and where the purchaser has not responded by either taking possession of the hearing instrument or instructing the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder to forward it to the purchaser, then the deadline for giving notice of the rescission shall extend no more than seven working days after this notice of availability.

(2) If the transaction is rescinded under this section or as otherwise provided by law and the hearing instrument is returned to the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder, the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder shall refund to the purchaser any payments or deposits for that hearing instrument. However, the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder may retain, for each hearing instrument, fifteen percent of the total purchase price or one hundred twenty-five dollars, whichever is less. After December 31, 1996, the rescission amount shall be determined by the board. The licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder shall also return any goods traded in contemplation of the sale, less any costs incurred by the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, interim work-based learning permit holder, or interim permit holder in making those goods ready for resale. The refund shall be made within ten business days after the rescission. The buyer shall incur no additional liability for such rescission.

(3) For the purposes of this section, the purchaser shall have recourse against the bond held by the establishment entering into a purchase agreement with the buyer, as provided by RCW 18.35.240.

Sec. 20. RCW 18.35.190 and 2002 c 310 s 20 are each amended to read as follows:

In addition to remedies otherwise provided by law, in any action brought by or on behalf of a person required to be licensed or to hold an interim work-based learning permit or an interim permit under this chapter, or by any assignee or transferee, it shall be necessary to allege and prove that the licensee, interim work-based learning permit holder, or interim permit holder at the time of the transaction held a valid license, interim work-based learning permit, or interim permit as required by this chapter, and that such license, interim work-based learning permit, or interim permit has not been suspended or revoked pursuant to RCW 18.35.110, 18.35.120, or 18.130.160.

Sec. 21. RCW 18.35.195 and 2006 c 263 s 802 are each amended to read as follows:

(1) This chapter shall not apply to military or federal government employees.

(2) This chapter does not prohibit or regulate:

(a) Fitting or dispensing by students enrolled in a board-approved program who are directly supervised by a licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, a licensed audiologist under the provisions of this chapter, or an instructor at a two-year hearing ~~((instrument fitter/dispenser))~~ aid specialist degree program that is approved by the board;

(b) Hearing ~~((instrument fitter/dispenser))~~ aid specialists, speech-language pathologists, or audiologists of other states, territories, or countries, or the District of Columbia while appearing as clinicians of bona fide educational seminars sponsored by speech-language pathology, audiology, hearing ~~((instrument fitter/dispenser))~~ aid specialist, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter; and

(c) The practice of audiology or speech-language pathology by persons certified by the Washington professional educator standards

board as educational staff associates, except for those persons electing to be licensed under this chapter. However, a person certified by the board as an educational staff associate who practices outside the school setting must be a licensed audiologist or licensed speech-language pathologist.

Sec. 22. RCW 18.35.205 and 2009 c 301 s 6 are each amended to read as follows:

The legislature finds that the public health, safety, and welfare would best be protected by uniform regulation of hearing (~~(instrument fitter/dispensers)~~) aid specialists, speech-language pathologists, speech-language pathology assistants, audiologists, interim work-based learning permit holders, and interim permit holders throughout the state. Therefore, the provisions of this chapter relating to the licensing of hearing (~~(instrument fitter/dispensers)~~) aid specialists, speech-language pathologists, and audiologists, the certification of speech-language pathology assistants, and regulation of interim work-based learning permit holders and interim permit holders and their respective establishments or facilities is exclusive. No political subdivision of the state of Washington within whose jurisdiction a hearing (~~(instrument fitter/dispenser)~~) aid specialist, audiologist, or speech-language pathologist establishment or facility is located may require any registrations, bonds, licenses, certificates, interim work-based learning permits, or interim permits of the establishment or facility or its employees or charge any fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and nondiscriminatory license fee levied on all businesses, or to levy a tax based upon the gross business conducted by any firm within the political subdivision.

Sec. 23. RCW 18.35.230 and 2002 c 310 s 23 are each amended to read as follows:

(1) Each licensee, interim work-based learning permit holder, or interim permit holder shall name a registered agent to accept service of process for any violation of this chapter or rule adopted under this chapter.

(2) The registered agent may be released at the expiration of one year after the license, interim work-based learning permit, or interim permit issued under this chapter has expired or been revoked.

(3) Failure to name a registered agent for service of process for violations of this chapter or rules adopted under this chapter may be grounds for disciplinary action.

Sec. 24. RCW 18.35.240 and 2002 c 310 s 24 are each amended to read as follows:

(1) Every individual engaged in the fitting and dispensing of hearing instruments shall be covered by a surety bond of ten thousand dollars or more, for the benefit of any person injured or damaged as a result of any violation by the licensee or permit holder, or their employees or agents, of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the licensee or permit holder may deposit cash or other negotiable security in a banking institution as defined in chapter 30.04 RCW or a credit union as defined in chapter 31.12 RCW. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit or other negotiable security is filed, the licensee or permit holder shall maintain such cash or other negotiable security for one year after discontinuing the fitting and dispensing of hearing instruments.

(4) Each invoice for the purchase of a hearing instrument provided to a customer must clearly display on the first page the bond number covering the licensee or interim permit holder responsible for fitting/dispensing the hearing instrument.

(5) All licensed hearing (~~(instrument fitter/dispensers)~~) aid specialists, licensed audiologists, and permit holders must verify compliance with the requirement to hold a surety bond or cash or

other negotiable security by submitting a signed declaration of compliance upon annual renewal of their license or permit. Up to twenty-five percent of the credential holders may be randomly audited for surety bond compliance after the credential is renewed. It is the credential holder's responsibility to submit a copy of the original surety bond or bonds, or documentation that cash or other negotiable security is held in a banking institution during the time period being audited. Failure to comply with the audit documentation request or failure to supply acceptable documentation within thirty days may result in disciplinary action.

Sec. 25. RCW 18.35.250 and 2002 c 310 s 25 are each amended to read as follows:

(1) In addition to any other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond, cash deposit, or security in lieu of a surety bond required by this chapter, by any person having a claim against a licensee, interim work-based permit holder, or interim permit holder, agent, or employee for any violation of this chapter or any rule adopted under this chapter. The aggregate liability of the surety, cash deposit, or other negotiable security to all claimants shall in no event exceed the sum of the bond. Claims shall be satisfied in the order of judgment rendered.

(2) An action upon the bond, cash deposit, or other negotiable security shall be commenced by serving and filing a complaint.

Sec. 26. RCW 18.35.260 and 2009 c 301 s 7 are each amended to read as follows:

(1) A person who is not a licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed hearing instrument fitter/dispenser," "hearing instrument specialist," or "hearing aid fitter/dispenser," or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist.

(2) A person who is not a licensed speech-language pathologist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words including "licensed speech-language pathologist" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a licensed speech-language pathologist.

(3) A person who is not a certified speech-language pathology assistant may not represent himself or herself as being so certified and may not use in connection with his or her name the words including "certified speech-language pathology assistant" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a certified speech-language pathology assistant.

(4) A person who is not a licensed audiologist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed audiologist" or a variation, synonym, letter, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed audiologist.

(5) Nothing in this chapter prohibits a person credentialed in this state under another act from engaging in the practice for which he or she is credentialed.

NEW SECTION. Sec. 27. This act takes effect July 1, 2015."

Correct the title.

Representatives Ross and Cody spoke in favor of the adoption of the amendment.

Amendment (750) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ross, Cody and Sells spoke in favor of the passage of the bill.

Representatives Shea and Riccelli spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2108.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2108, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Manweller, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Christian, Condotta, Holy, Magendanz, Morrell, Ormsby, Reykdal, Riccelli, Scott, Shea, Vick and Young.

ENGROSSED HOUSE BILL NO. 2108, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2776, by Representatives Santos, Pettigrew, DeBolt, Cody, Morris, Haigh, Chandler, Kagi, S. Hunt, Orcutt, Dunshee, Kirby, Chopp, Jinkins, Appleton, Fitzgibbon, Ormsby and Hudgins

Renaming the Washington civil liberties public education program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Dahlquist and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2776.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2776, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2776, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2665, by Representatives Pettigrew, Kagi, Sawyer, Gregerson, Freeman and Ortiz-Self

Concerning the expiration of the advisory committee on the disproportionate representation of children of color in Washington's child welfare system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2665 was substituted for House Bill No. 2665 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2665 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Ortiz-Self spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2665.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2665, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hope, Hudgins, Hunter, Jinkins, Kagi, Kirby, Kochmar, Lytton, Moeller, Morrell, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hurst, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott,

Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2665, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 2636, by Representatives Smith, Tarleton and Morrell

Streamlining statutorily required environmental reports by government entities.

The bill was read the second time.

Representative Smith moved the adoption of amendment (705):

Beginning on page 5, line 1, strike all of section 5 and insert the following:

"Sec. 5. RCW 70.94.162 and 1998 c 245 s 129 are each amended to read as follows:

(1) The department and delegated local air authorities are authorized to determine, assess, and collect, and each permit program source shall pay, annual fees sufficient to cover the direct and indirect costs of implementing a state operating permit program approved by the United States environmental protection agency under the federal clean air act. However, a source that receives its operating permit from the United States environmental protection agency shall not be considered a permit program source so long as the environmental protection agency continues to act as the permitting authority for that source. Each permitting authority shall develop by rule a fee schedule allocating among its permit program sources the costs of the operating permit program, and may, by rule, establish a payment schedule whereby periodic installments of the annual fee are due and payable more frequently. All operating permit program fees collected by the department shall be deposited in the air operating permit account. All operating permit program fees collected by the delegated local air authorities shall be deposited in their respective air operating permit accounts or other accounts dedicated exclusively to support of the operating permit program. The fees assessed under this subsection shall first be due not less than forty-five days after the United States environmental protection agency delegates to the department the authority to administer the operating permit program and then annually thereafter.

The department shall establish, by rule, procedures for administrative appeals to the department regarding the fee assessed pursuant to this subsection.

(2) The fee schedule developed by each permitting authority shall fully cover and not exceed both its permit administration costs and the permitting authority's share of statewide program development and oversight costs.

(a) Permit administration costs are those incurred by each permitting authority, including the department, in administering and enforcing the operating permit program with respect to sources under its jurisdiction. Costs associated with the following activities are fee eligible as these activities relate to the operating permit program and to the sources permitted by a permitting authority, including, where applicable, sources subject to a general permit:

(i) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision, or renewal;

(ii) Source inspections, testing, and other data-gathering activities necessary for the development of a permit, permit revision, or renewal;

(iii) Acting on an application for a permit, permit revision, or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision, or renewal,

preparing a draft permit and fact sheet, and preparing a final permit, but excluding the costs of developing BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants;

(iv) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(v) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(vi) Reviewing compliance certifications and emissions reports and conducting related compilation and reporting activities;

(vii) Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a source is complying with permit conditions;

(viii) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;

(ix) The share attributable to permitted sources of the development and maintenance of emissions inventories;

(x) The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;

(xi) Training for permit administration and enforcement;

(xii) Fee determination, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;

(xiii) Required fiscal audits, periodic performance audits, and reporting activities;

(xiv) Tracking of time, revenues and expenditures, and accounting activities;

(xv) Administering the permit program including the costs of clerical support, supervision, and management;

(xvi) Provision of assistance to small businesses under the jurisdiction of the permitting authority as required under section 507 of the federal clean air act; and

(xvii) Other activities required by operating permit regulations issued by the United States environmental protection agency under the federal clean air act.

(b) Development and oversight costs are those incurred by the department in developing and administering the state operating permit program, and in overseeing the administration of the program by the delegated local permitting authorities. Costs associated with the following activities are fee eligible as these activities relate to the operating permit program:

(i) Review and determinations necessary for delegation of authority to administer and enforce a permit program to a local air authority under RCW 70.94.161(2) and 70.94.860;

(ii) Conducting fiscal audits and periodic performance audits of delegated local authorities, and other oversight functions required by the operating permit program;

(iii) Administrative enforcement actions taken by the department on behalf of a permitting authority, including those actions taken by the department under RCW 70.94.785, but excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement;

(iv) Determination and assessment with respect to each permitting authority of the fees covering its share of the costs of development and oversight;

(v) Training and assistance for permit program administration and oversight, including training and assistance regarding technical, administrative, and data management issues;

(vi) Development of generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;

(vii) State codification of federal rules or standards for inclusion in operating permits;

(viii) Preparation of delegation package and other activities associated with submittal of the state permit program to the United States environmental protection agency for approval, including ongoing coordination activities;

(ix) General administration and coordination of the state permit program, related support activities, and other agency indirect costs, including necessary data management and quality assurance;

(x) Required fiscal audits and periodic performance audits of the department, and reporting activities;

(xi) Tracking of time, revenues and expenditures, and accounting activities;

(xii) Public education and outreach related to the operating permit program, including the maintenance of a permit register;

(xiii) The share attributable to permitted sources of compiling and maintaining emissions inventories;

(xiv) The share attributable to permitted sources of ambient air quality monitoring, related technical support, and associated recording activities;

(xv) The share attributable to permitted sources of modeling activities;

(xvi) Provision of assistance to small business as required under section 507 of the federal clean air act as it exists on July 25, 1993, or its later enactment as adopted by reference by the director by rule;

(xvii) Provision of services by the department of revenue and the office of the state attorney general and other state agencies in support of permit program administration;

(xviii) A one-time revision to the state implementation plan to make those administrative changes necessary to ensure coordination of the state implementation plan and the operating permit program; and

(ix) Other activities required by operating permit regulations issued by the United States environmental protection agency under the federal clean air act.

(3) The responsibility for operating permit fee determination, assessment, and collection is to be shared by the department and delegated local air authorities as follows:

(a) Each permitting authority, including the department, acting in its capacity as a permitting authority, shall develop a fee schedule and mechanism for collecting fees from the permit program sources under its jurisdiction; the fees collected by each authority shall be sufficient to cover its costs of permit administration and its share of the department's costs of development and oversight. Each delegated local authority shall remit to the department its share of the department's development and oversight costs.

(b) Only those local air authorities to whom the department has delegated the authority to administer the program pursuant to RCW 70.94.161(2) (b) and (c) and 70.94.860 shall have the authority to administer and collect operating permit fees. The department shall retain the authority to administer and collect such fees with respect to the sources within the jurisdiction of a local air authority until the effective date of program delegation to that air authority.

(c) The department shall allocate its development and oversight costs among all permitting authorities, including the department, in proportion to the number of permit program sources under the jurisdiction of each authority, except that extraordinary costs or other costs readily attributable to a specific permitting authority may be assessed that authority. For purposes of this subsection, all sources covered by a single general permit shall be treated as one source.

(4) The department and each delegated local air authority shall adopt by rule a general permit fee schedule for sources under their respective jurisdictions after such time as the department adopts provisions for general permit issuance. Within ninety days of the time that the department adopts a general permit fee schedule, the department shall report to the relevant standing committees of the legislature regarding the general permit fee schedules adopted by the department and by the delegated local air authorities. The permit

administration costs of each general permit shall be allocated equitably among only those sources subject to that general permit. The share of development and oversight costs attributable to each general permit shall be determined pursuant to subsection (3)(c) of this section.

(5) The fee schedule developed by the department shall allocate among the sources for whom the department acts as a permitting authority, other than sources subject to a general permit, those portions of the department's permit administration costs and the department's share of the development and oversight costs which the department does not plan to recover under its general permit fee schedule or schedules as follows:

(a) The department shall allocate its permit administration costs and its share of the development and oversight costs not recovered through general permit fees according to a three-tiered model based upon:

(i) The number of permit program sources under its jurisdiction;

(ii) The complexity of permit program sources under its jurisdiction; and

(iii) The size of permit program sources under its jurisdiction, as measured by the quantity of each regulated pollutant emitted by the source.

(b) Each of the three tiers shall be equally weighted.

(c) The department may, in addition, allocate activities-based costs readily attributable to a specific source to that source under RCW 70.94.152(1) and 70.94.154(7).

The quantity of each regulated pollutant emitted by a source shall be determined based on the annual emissions during the most recent calendar year for which data is available.

(6) The department shall, after opportunity for public review and comment, adopt rules that establish a process for development and review of its operating permit program fee schedule, a methodology for tracking program revenues and expenditures, and, for both the department and the delegated local air authorities, a system of fiscal audits, reports, and periodic performance audits.

(a) The fee schedule development and review process shall include the following:

(i) The department shall conduct a biennial workload analysis. The department shall provide the opportunity for public review of and comment on the workload analysis. The department shall review and update its workload analysis during each biennial budget cycle, taking into account information gathered by tracking previous revenues, time, and expenditures and other information obtained through fiscal audits and performance audits.

(ii) The department shall prepare a biennial budget based upon the resource requirements identified in the workload analysis for that biennium. In preparing the budget, the department shall take into account the projected operating permit account balance at the start of the biennium. The department shall provide the opportunity for public review of and comment on the proposed budget. The department shall review and update its budget each biennium.

(iii) The department shall develop a fee schedule allocating the department's permit administration costs and its share of the development and oversight costs among the department's permit program sources using the methodology described in subsection (5) of this section. The department shall provide the opportunity for public review of and comment on the allocation methodology and fee schedule. The department shall provide procedures for administrative resolution of disputes regarding the source data on which allocation determinations are based; these procedures shall be designed such that resolution occurs prior to the completion of the allocation process. The department shall review and update its fee schedule annually.

(b) The methodology for tracking revenues and expenditures shall include the following:

(i) The department shall develop a system for tracking revenues and expenditures that provides the maximum practicable information.

At a minimum, revenues from fees collected under the operating permit program shall be tracked on a source-specific basis and time and expenditures required to administer the program shall be tracked on the basis of source categories and functional categories. Each general permit will be treated as a separate source category for tracking and accounting purposes.

(ii) The department shall use the information obtained from tracking revenues, time, and expenditures to modify the workload analysis required in subsection (6)(a) of this section.

(iii) The information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

(c) The system of fiscal audits, reports, and periodic performance audits shall include the following:

(i) The department and the delegated local air authorities shall ~~((prepare annual reports and shall submit the reports to, respectively, the appropriate standing committees of the legislature and the board of directors of the local air authority))~~ periodically report information about the air operating permit program on the department's web site.

(ii) The department shall arrange for fiscal audits and routine performance audits and for periodic intensive performance audits of each permitting authority and of the department.

(7) Each local air authority requesting delegation shall, after opportunity for public review and comment, publish regulations which establish a process for development and review of its operating permit program fee schedule, and a methodology for tracking its revenues and expenditures. These regulations shall be submitted to the department for review and approval as part of the local authority's delegation request.

(8) As used in this section and in RCW 70.94.161(14), "regulated pollutant" shall have the same meaning as defined in section 502(b) of the federal clean air act as it exists on July 25, 1993, or its later enactment as adopted by reference by the director by rule.

(9) Fee structures as authorized under this section shall remain in effect until such time as the legislature authorizes an alternative structure following receipt of the report required by this subsection."

Representatives Smith and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (705) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Smith and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2636.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2636, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz,

Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott, Shea and Taylor.

ENGROSSED HOUSE BILL NO. 2636, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2235, by Representatives Hayes, Goodman and Magendanz

Creating effective and timely access to magistrates for purposes of reviewing search warrant applications. Revised for 1st Substitute: Creating effective and timely access to magistrates for purposes of reviewing search warrant applications. (REVISED FOR ENGROSSED: Concerning search warrant applications.)

The bill was read the second time.

There being no objection, Substitute House Bill No. 2235 was substituted for House Bill No. 2235 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2235 was read the second time.

Representative Hayes moved the adoption of amendment (732):

On page 2, at the beginning of line 1, after "Any" strike "magistrate" and insert "district or municipal court judge, in the county in which the offense is alleged to have occurred,"

Representatives Hayes and Jinkins spoke in favor of the adoption of the amendment.

Amendment (732) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hayes and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2235.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2235, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G.

Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2235, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2377, by Representatives Hunter, Kagi, Walsh, Sullivan, Farrell, Carlyle, Senn, Moeller, Tharinger, Ryu, Reykdal, Morrell, Roberts, Goodman, Tarleton, Freeman, Pollet and Habib

Improving quality in the early care and education system.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2377 was substituted for House Bill No. 2377 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2377 was read the second time.

Representative Hunter moved the adoption of amendment (778):

0) Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature finds that quality early care and education builds the foundation for a child's success in school and in life. The legislature acknowledges that quality is a necessary underpinning of the early care and education system in Washington. The legislature recognizes that empirical evidence supports the conclusion that high quality programs consistently yield more positive outcomes for children, with the strongest positive impacts on the most vulnerable children. The legislature further understands that the proper dosage, duration of programming, and stability of care are critical to enhancing program quality and improving child outcomes. The legislature acknowledges that the early care and education system must be culturally responsive and meet the needs of Washington's diverse populations. The legislature intends to prioritize the integration of child care and preschool in an effort to promote full workday programming. The legislature further intends to reward quality and create incentives for providers to participate in a quality rating and improvement system that will also provide valuable information to parents regarding the quality of care available in their communities.

Sec. 2. RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1 are each reenacted and amended to read as follows:

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

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school-age((d)) children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.215.100;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

(9) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(10) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

(11) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

(12) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

(13) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

~~((12))~~ (14) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

~~((13))~~ (15) "Nonschool age child" means a child birth through six years of age who has yet to enter kindergarten or school.

(16) "Probationary license" means a license issued as a

disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((14))~~ (17) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

~~((15))~~ (18) "School-age child" means a child not less than five years of age through twelve years of age and who is attending kindergarten or school.

(19) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 3. RCW 43.215.100 and 2013 c 323 s 6 are each amended to read as follows:

(1) ~~((Subject to the availability of amounts appropriated for this specific purpose,))~~ The department, in collaboration with tribal governments and community and statewide partners, shall implement a voluntary quality rating and improvement system, called the early achievers program, that is applicable to licensed or certified child care centers and homes and early education programs. The early achievers program establishes the framework for strengthening the quality of the early care and education system in Washington.

(2) The ~~((purpose))~~ objectives of the early achievers program ~~((is))~~ are to:

(a) ~~((To))~~ Improve short-term and long-term outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs;

(c) Support improvement in early learning and care programs throughout the state;

(d) Increase the readiness of children for school;

(e) Close the disparity in access to quality care;

(f) Provide professional development opportunities to early care and education providers; and

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and care settings.

(3) Participation in the early achievers program is voluntary for licensed or certified child care centers and homes.

~~((By fiscal year 2015, Washington state preschool programs receiving state funds must enroll in the early achievers program and maintain a minimum score level.~~

~~((5))~~ There are five levels in the early achievers program. Participants are expected to actively engage in the program and continually advance from level 1, or the foundation level, to level 5.

(5) The department has the authority to determine the rating cycle for the early achievers program.

(a) The first rating is free for early achievers participants.

(b) Each subsequent rating within the established rating cycle is free for early achievers participants.

(6) Early achievers participants may request to be rated at any time after the completion of all level 2 activities.

(7)(a) The department must charge a fee for optional rerating requests made by program participants that are outside the established rating cycle.

(b) Fees charged are based on, but may not exceed, the cost to the department for the class of activities associated with the early achievers program.

(8)(a)(i) Effective July 1, 2015, the department shall publish on the department's web site or offer a link on its web site the early achievers program rating levels 1 through 5 for all child care programs that receive state subsidy, early childhood education and assistance programs, and federal head start programs in Washington.

(ii) Child care programs that do not receive state subsidy may have their early achievers program rating level published by the department.

(b) Early achievers program participants who have published rating levels on the department's web site or on a link on the department's web site may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(c) The early achievers program ratings must be published on the department's web site or have a link on the department's web site within thirty days from the time a program becomes licensed or certified or receives a rating.

(d) The early achievers program rating levels must be published on the department's web site or have a link on the department's web site in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(e) To the extent possible, the department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices.

(9)(a) The department shall create a professional development pathway for early achievers participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers participants with the costs associated with obtaining an educational degree.

(c) The professional development pathway must be culturally and linguistically reflective of the needs and demographics of participants.

(10) The department shall implement tiered reimbursement for early achievers participants rating at level 3, 4, or 5.

(11) The early achievers quality improvement awards shall be reserved for participants offering programs that are composed of at least five percent of children receiving subsidy.

(12) The department shall design a plan to incorporate school-age child care providers into the early achievers program.

(13) Before final implementation of the early achievers program, the department shall report on program progress, as defined within the race to the top federal grant award, and expenditures to the appropriate policy and fiscal committees of the legislature. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects.

NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW to read as follows:

REDUCTION OF BARRIERS--LOW-INCOME PROVIDERS AND PROGRAMS. Subject to the amounts appropriated for this specific purpose, the department shall, in collaboration with tribal governments and community and statewide partners, implement a protocol to maximize and encourage participation in the early achievers program for low-income center and family home child care providers and providers who offer programming in low-income neighborhoods. The protocol should address barriers to early achievers program participation and include at a minimum the following:

(1) The creation of a substitute pool; and

(2) The establishment of needs-based grants for providers at level 2 in the early achievers program to assist with purchasing curriculum development, instructional materials, supplies, and equipment to improve program quality.

NEW SECTION. Sec. 5. A new section is added to chapter 43.215 RCW to read as follows:

THE EARLY ACHIEVERS PROGRAM DATA COLLECTION AND EVALUATION. (1) The department shall collect longitudinal, student-level data on all children attending a working connections child care program or an early childhood

education and assistance program. Data collected should capture at a minimum the following characteristics:

(a) Daily program attendance;

(b) Identification of classroom and teacher;

(c) Early achievers program quality level rating;

(d) Program hours;

(e) Program duration;

(f) Distinct ethnic categories within racial subgroups that align with categories established by the education data center established in RCW 43.41.400; and

(g) Developmental results from the Washington kindergarten inventory of developing skills in RCW 28A.655.080.

(2) Data collected pursuant to this section shall be provided to the education data center established in RCW 43.41.400.

(3) Data collected pursuant to this section shall be provided to the Washington state institute for public policy.

(4) The department shall provide child care and early learning providers student-level data collected pursuant to this section that are specific to the child care provider's or the early learning provider's program.

(5)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining relationships between the early achievers program quality ratings levels and outcomes for children participating in subsidized early care and education programs.

(b) The institute shall submit the first report to the appropriate committees of the legislature by December 31, 2017. The institute shall submit subsequent reports annually to the appropriate committees of the legislature by December 31st, with the final report due December 31, 2020. The final report shall include a cost-benefit analysis.

Sec. 6. RCW 43.215.135 and 2013 c 323 s 9 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability ~~((and))~~, quality of care for children from low-income households, and support school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote quality early care and education programming, and stability and continuity of care for children.

(2) ~~((Beginning in fiscal year 2013,))~~ Authorizations for the working connections child care subsidy ((shall be)) are effective for twelve months ((unless a change in circumstances necessitates reauthorization sooner than twelve months. The twelve month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.

~~(3) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2013, working connections child care providers shall receive a five percent increase in the subsidy rate for enrolling in level 2 in the early achievers programs. Providers must complete level 2 and advance to level 3 within thirty months in order to maintain this increase).~~ A child is eligible for working connections child care for a twelve-month enrollment period and may not be deemed ineligible due to any change in circumstance including, but not limited to, the following:

(a) A change in family composition or household;

(b) A change in a parent's or a caregiver's employment status;

(c) A change in a parent's or a caregiver's employment status due to health, maternity or paternity leave, or other family leave condition as provided for in chapter 49.78 RCW; or

(d) A change in a parent's or a caregiver's income.

(3) Working connections child care is a capped program. The working connections child care cap is established in the operating budget.

(4)(a) The department shall adopt rules pertaining to the working connections child care program for both contracted slots and child care vouchers that outline the following:

- (i) Allowable periods of child absences;
- (ii) Required contact with parents or caregivers to discuss child absences and encourage regular program attendance; and
- (iii) A de-enrollment procedure when allowable child absences are exceeded.

(b) The implementation of rules pertaining to child absences and de-enrollment procedures must align with the implementation of the electronic time and attendance record system. Rules pertaining to child absences and de-enrollment procedures shall be adopted no later than July 31, 2015.

(5) Child care providers serving nonschool age children and receiving state subsidy payments must enroll in the early achievers program and complete level 2 activities by July 1, 2017, or the provider can no longer receive a state subsidy under this section.

(6)(a) Child care providers serving nonschool age children and receiving state subsidy payments must be rated at level 3 in the early achievers program by July 1, 2019, or the provider can no longer receive state subsidy under this section.

(b) If a child care provider serving nonschool age children and receiving state subsidy payments has completed all of level 2 activities and is approved and waiting for a rating by July 1, 2019, the provider may continue to receive state subsidy pending the successful completion of the level 3 rating activity. If the provider does not rate at a level 3 or higher during the level 3 rating activity, the provider can no longer receive state subsidy under this section.

(7) Effective July 1, 2015, a new child care provider serving nonschool age children and receiving state subsidy payments must complete the following activities or the provider can no longer receive a state subsidy under this section:

- (a) Enroll in the early achievers program within thirty days;
- (b) Complete the early achievers program quality level 2 activities within twelve months from receiving a state subsidy; and
- (c) Rate as an early achievers program quality level 3 within thirty months from receiving a state subsidy payment.

(8)(a) Family, friend, and neighbor child care providers who receive state subsidy payments and are exempt from child care licensure are not required to join early achievers while qualifying as an unlicensed provider.

(b) Family, friend, and neighbor child care providers who receive state subsidy payments are required to obtain a child care license no later than thirty-six paid months after the effective date of this section or thirty-six paid months after receiving the first subsidy payment, whichever occurs later, or after simultaneously or consecutively caring for more than six unrelated children unless one of the following conditions apply:

- (i) The provider is an adult sibling, half-sibling, or stepsibling of the child or children receiving care and lives outside of the child's or children's home;
- (ii) The provider is an extended tribal family member of the child or children receiving care;
- (iii) The provider is a grandparent, stepgrandparent, half-grandparent or great-grandparent, stepgreat-grandparent, or half-great-grandparent of the child or children receiving care; or
- (iv) The provider is an aunt or uncle, step-aunt or step-uncle, half-aunt or half-uncle, or great-aunt or great-uncle, step-great-aunt or step-great-uncle, or half-great-aunt or half-great-uncle of the child or children receiving care.

(c) Family, friend, and neighbor child care providers who do not obtain child care licensure under this section are not able to receive state subsidies.

Sec. 7. RCW 43.215.1352 and 2012 c 251 s 2 are each amended to read as follows:

When an applicant or recipient applies for or receives working connections child care benefits, ~~(he or she)~~ the applicant or recipient is required to ~~(1) notify the department of social and health services, within five days, of any change in providers;~~ ~~(2) Notify the department of social and health services, within ten days, about any significant change related to the number of child care hours the applicant or recipient needs, cost sharing, or eligibility).~~

NEW SECTION. Sec. 8. A new section is added to chapter 43.215 RCW to read as follows:

CONTRACTED CHILD CARE SLOTS. (1) The department shall employ a combination of vouchers and contracted slots for the subsidized child care program in RCW 43.215.135. Child care vouchers preserve parental choice. Child care contracted slots promote access to continuous quality care for children, provide parents and caregivers stable child care that supports employment, and allow providers to have predictable funding.

(2) The department shall contract at least twenty percent of the working connections child care program slots by January 1, 2016.

(3) Only a child care provider who participates in the early achievers program and rates at a level 3, 4, or 5 is eligible to be awarded a contracted slot.

(4) Only providers offering full workday early care and education opportunities are eligible to be awarded a contracted slot.

(5) The department is required to use data to calculate a set number of targeted contracted slots. In calculating this number, the department must take into account a representative balance of family home and center child care programs and the overall geographic distribution of child care programs in the state. The targeted contracted slots are reserved for programs meeting both of the following conditions:

- (a) Programs in low-income neighborhoods; and
- (b) Programs that consist of at least fifty percent of children receiving subsidy pursuant to RCW 43.215.135.

(6) The department shall award the remaining contracted slots via a competitive process and prioritize child care programs with at least one of the following characteristics:

- (a) Programs located in a high-need geographic area;
- (b) Programs partnering with elementary schools to offer transitional planning and support to children as they advance to kindergarten; or
- (c) Programs serving children involved in the child welfare system or children diagnosed with a special need.

(7) The department shall pay a provider for each contracted slot, unless a contracted slot is not used for thirty days.

(8) The department shall charge a child care copayment for each contracted slot and establish the copayment fee by rule.

Sec. 9. RCW 43.215.425 and 1994 c 166 s 6 are each amended to read as follows:

(1) The department shall adopt rules under chapter 34.05 RCW for the administration of the early childhood education and assistance program. Approved early childhood education and assistance programs shall conduct needs assessments of their service area, identify any targeted groups of children, to include but not be limited to children of seasonal and migrant farmworkers and native American populations living either on or off reservation, and provide to the department a service delivery plan, to the extent practicable, that addresses these targeted populations.

(2) The department, in developing rules for the early childhood education and assistance program, shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and other early childhood programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the early childhood programs to provide for parental involvement in participation with their child's

program, in local program policy decisions, in development and revision of service delivery systems, and in parent education and training.

(3)(a) The department shall adopt rules pertaining to the early childhood education and assistance program that outline allowable periods of child absences, required contact with parents or caregivers to discuss child absences and encourage regular attendance, and a de-enrollment procedure when allowable child absences are exceeded.

(b) The implementation of rules pertaining to child absences and de-enrollment procedures must align with the implementation of the electronic time and attendance record system.

(c) Rules pertaining to child absences and de-enrollment procedures shall be adopted no later than July 31, 2015.

(4) The department shall adopt rules requiring early childhood education and assistance program employees and volunteers who have access to children to submit to a fingerprint background check. Fingerprint background check procedures for the early childhood education and assistance program shall be the same as the background check procedures in RCW 43.215.215.

(5) By July 1, 2016, the department shall develop a pathway for family home providers to administer an early childhood education and assistance program.

Sec. 10. RCW 43.215.415 and 1994 c 166 s 5 are each amended to read as follows:

(1) Approved early childhood programs shall receive state-funded support through the department. Public or private nonsectarian organizations, including, but not limited to school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state early childhood program.

(2) Funds appropriated for the state program shall be used to continue to operate existing programs or to establish new or expanded early childhood programs(~~and shall not be used to supplant federally supported head start programs~~).

(3) Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained(~~but shall not be used to supplant federally supported head start programs or state supported early childhood programs~~).

(4) Persons applying to conduct the early childhood program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

(5) Early childhood education and assistance providers must enroll in the early achievers program and be rated at a level 3 by July 1, 2015.

(6) Early childhood education and assistance providers must be rated at a level 4 in the early achievers program by July 1, 2019.

(7) Effective January 1, 2014, new early childhood education and assistance program slots are only available to early achievers program participants rated at a level 3, 4, or 5.

(8) Effective July 1, 2017, any provider administering an early childhood education and assistance program must institute a working connections child care program and maintain an optional full workday program.

Sec. 11. RCW 43.215.455 and 2010 c 231 s 3 are each amended to read as follows:

(1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in RCW ((43.215.142)) 43.215.456. The program must be a comprehensive program providing early childhood education and family support, options for parental involvement, and health information, screening, and referral services, as family need is

determined. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The first phase of the program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW 43.215.400 through 43.215.450.

(3) For the 2014-15 school year, the program implementation in this section shall prioritize programs meeting at least one of the following characteristics:

(a) Programs located in a high-need geographical area;

(b) Programs offering full workday early care and education programming;

(c) Providers participating in the early achievers program and rated at level 3, 4, or 5; or

(d) Programs offering services to children diagnosed with a special need or children involved in the child welfare system.

(4) For the 2014-15 school year, eighty percent of the slots for program implementation described in this section are reserved for providers offering full workday early care and education programming.

(5) For the 2015-16 school year, the program implementation in this section shall prioritize programs meeting at least one of the following characteristics:

(a) Programs located in a high-need geographical area;

(b) Programs offering full workday early care and education programming; or

(c) Programs offering services to children diagnosed with a special need or children involved in the child welfare system.

(6) For the 2015-16 school year, only providers participating in the early achievers program and rated at a level 3, 4, or 5 are eligible for the program implementation under this section.

(7) For the 2015-16 school year, eighty percent of the slots for program implementation described in this section are reserved for providers offering full workday early care and education programming.

(8) The director shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program:

(a) Minimum program standards, including lead teacher, assistant teacher, and staff qualifications;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

((4)) (9) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the director under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

(10) The department shall complete an annual preschool program implementation report. The first report is due by December 31, 2014, and the final report is due by December 31, 2018. The preschool program implementation report must be posted annually on the department's web site and delivered annually to the appropriate committees of the legislature. The preschool program implementation report must address the following:

(a) Progress on preschool program implementation as required pursuant to this section and RCW 43.215.415;

(b) An examination of the regional distribution of new preschool programming by zip code;

(c) An analysis of the impact of preschool expansion on low-

income neighborhoods and communities;

(d) Recommendations to address any identified barriers to access to quality preschool for children living in low-income neighborhoods;

(e) An analysis of any impact of quality strengthening efforts on the availability of infant and toddler care;

(f) An analysis of any impact of full workday early care and education opportunities directives; and

(g) An examination of any identified barriers for providers to offer full workday early care and education opportunities.

NEW SECTION. Sec. 12. A new section is added to chapter 43.215 RCW to read as follows:

SINGLE SET OF LICENSING STANDARDS. No later than July 1, 2015, the department shall implement a single set of licensing standards for child care and the early childhood education and assistance program. The new licensing standards must:

(1) Use the early achievers program as a foundational framework and eliminate additional burdensome regulations for providers who demonstrate higher levels of quality care;

(2) Take into account the separate needs of family care providers and child care centers; and

(3) Promote the continued safety of child care settings.

NEW SECTION. Sec. 13. A new section is added to chapter 43.215 RCW to read as follows:

INTEGRATION WITH LOCAL GOVERNMENT EFFORTS.

(1) The foundation of the early care and education system in Washington is the quality rating and improvement system entitled the early achievers program. In an effort to build on the existing quality framework, enhance access to quality care for children, and strengthen the entire early care and education system in the state, it is important to integrate the efforts of local government.

(2) Local government is encouraged to collaborate with the department when establishing early learning programs for residents.

(3) Local government may contribute funds to the department for the following purposes:

(a) Initial investments to build capacity and quality in local early care and education programming; and

(b) Reductions in copayments charged to parents or caregivers.

(4) Funds contributed to the department by local government must be deposited in the early start account established in section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.215 RCW to read as follows:

The early start account is created in the state treasury. Revenues in the account shall consist of appropriations by the legislature and all other sources deposited into the account. Moneys in the account may only be used after appropriation. Expenditures from the account may be used only to improve the quality of early care and education programming. The department oversees the account.

NEW SECTION. Sec. 15. A new section is added to chapter 43.215 RCW to read as follows:

The department shall implement an electronic time and attendance records system by July 1, 2015. The savings generated from the electronic time and attendance records system shall be used to improve quality in the early learning system.

NEW SECTION. Sec. 16. 2013 2nd sp.s. c 16 s 2 (uncodified) is repealed.

NEW SECTION. Sec. 17. A new section is added to chapter 43.215 RCW to read as follows:

Chapter . . . , Laws of 2014 (this act) may be known and cited as the early start act.

NEW SECTION. Sec. 18. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2014, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Hunter moved the adoption of amendment (806) to the striking amendment (778):

On page 15, line 26, after "January 1," strike "2014" and insert "2015"

On page 17, line 19, after "annual" strike "preschool"

On page 17, line 20, after "implementation report" insert "on preschool and the working connections child care program"

On page 6, line 36, after "(7)" insert "The department shall provide an early achievers participant an update on their progress toward completing level 2 activities, after the participant has been enrolled in the early achievers program for fifteen months.

(8)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 10, after "(13)" insert "In collaboration with tribal governments, and community and statewide partners, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) At the department's discretion, extensions may be granted when early achievers program participants experience an unexpected life circumstance, such as, but not limited to, an illness.

(b) Extensions may only be granted to early achievers program participants who have demonstrated engagement in the early achievers program.

(c) A report outlining the early achievers program extension protocol shall be delivered to the appropriate committees of legislature by December 31, 2014.

(14)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Hunter spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (806) to the striking amendment (778) was adopted.

Representative Hunter spoke in favor of the adoption of the striking amendment as amended.

Amendment (778) as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Walsh, Kagi, Dahlquist, Senn, Sawyer, Freeman and Haigh spoke in favor of the passage of the bill.

Representatives Wilcox and Rodne spoke against the passage of the bill.

MOTION

On motion of Representative Harris, Representative Parker was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2377.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2377, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Harris, Hope, Hudgins, Hunter, Hurst, Jinkins, Kagi, Kirby, Kochmar, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, DeBolt, G. Hunt, Haler, Hargrove, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, Muri, Nealey, Orcutt, Overstreet, Pike, Rodne, Ross, Santos, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Wilcox, Young and Zeiger.

Excused: Representative Parker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2377, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2569, by Representatives Hargrove and Pollet**Reducing air pollution associated with diesel emissions.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2569 was substituted for House Bill No. 2569 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2569 was read the second time.

With the consent of the house, amendments (683), (672) and (673) were withdrawn.

Representative Senn moved the adoption of amendment (807):

On page 2, line 7, after "infrastructure." insert "The department shall use existing resources for communications, outreach, and other aspects of the administration of loans from the account and shall fully integrate the administration of loans with the administration of existing grant programs to reduce diesel emissions from vehicles and equipment."

Representatives Senn and Hargrove spoke in favor of the adoption of the amendment.

Amendment (807) was adopted.

Representative Smith moved the adoption of amendment (682):

On page 2, line 27, after "systems;" insert the following:
 "(i) Projects to augment or replace diesel engines or power systems with engines or power systems that use liquefied or compressed natural gas;"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

Representatives Smith and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (682) was adopted.

Representative Hargrove moved the adoption of amendment (805):

On page 10, line 13, after "chapter" insert "only after the legislature appropriates moneys to the account created in section 4 of this act"

Representatives Hargrove and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (805) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hargrove, Fitzgibbon and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2569.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2569, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott, Shea, Taylor and Young.

Excused: Representative Parker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2569, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2341, by Representatives DeBolt, Jinkins, Harris, Rodne, Shea and Taylor**Concerning indecent liberties by a clergy member.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2341 was substituted for House Bill No. 2341 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2341 was read the second time.

Representative DeBolt moved the adoption of amendment (789):

On page 2, beginning on line 16 after "It is" strike all material through "contact" on line 18 and insert "an affirmative defense that the defendant must prove by a preponderance of the evidence that the victim consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of religious or spiritual counseling, aid, comfort, assistance, or guidance"

Representatives DeBolt and Goodman spoke in favor of the adoption of the amendment.

Amendment (789) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2341.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2341, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Appleton, Freeman, Ortiz-Self and Roberts.

Excused: Representative Parker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2201, by Representatives Carlyle, Pollet, Jinkins, Tharinger, Ormsby, Walkinshaw and Hudgins

Improving fiscal accountability and transparency standards with respect to state tax preferences.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2201 was substituted for House Bill No. 2201 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2201 was read the second time.

Representative Vick moved the adoption of amendment (799):

Beginning on page 16, line 33, strike sections 211 through 214 Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 103, beginning on line 23, strike sections 401 through 404 and insert the following:

"NEW SECTION. Sec. 401. (1) The legislature finds that multiple versions of RCW 82.04.260 are currently found in the statutory code. The legislature further finds that these versions are subject to different effective dates, expiration dates, and contingencies. The legislature further finds that these sections were included in the original and substitute versions of HB 2201 because the current annual report and annual survey are being replaced by a new annual tax preference accountability report, and therefore references to the survey and report need to be updated. The legislature further finds that these multiple versions have caused confusion and a concern that the automatic ten-year expiration date for new tax preferences will be triggered.

(2) To eliminate confusion, the legislature intends to remove these sections from the bill altogether and include a general statement that any references to annual report or annual survey in RCW 82.04.260 now mean the new annual tax preference accountability report created in section 201 of this act.

NEW SECTION. Sec. 402. Any references in RCW 82.04.260 to the annual report in RCW 82.32.534, or the annual survey in RCW 82.32.585, mean the new annual tax preference accountability report created in section 201 of this act."

Correct the title.

Representative Vick spoke in favor of the adoption of the amendment.

Representative Carlyle spoke against the adoption of the amendment.

Amendment (799) was not adopted.

Representative Nealey moved the adoption of amendment (798):

Beginning on page 96, line 11, strike all of Part III Renumber the remaining part and sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Carlyle spoke against the adoption of the amendment.

Amendment (798) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlyle, Lytton, Hunter, Pollet and Reykdal spoke in favor of the passage of the bill.

Representatives Nealey, Rodne, Magendanz, Condotta, Orcutt and Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2201.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2201, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Hansen, Hudgins, Hunter, Jinkins, Kagi, Kirby, Lytton, Moeller, Morrell, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Haigh, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Nealey, Orcutt, Overstreet, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Stonier, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representative Parker.

SUBSTITUTE HOUSE BILL NO. 2201, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6523, by Senators Bailey, Tom, Fain, Litzow, Hill, Dammeier, Kohl-Welles, McAuliffe, Pedersen, Billig, Ranker, Hatfield, Mullet, Hobbs, Lias, Fraser, Nelson, Conway, McCoy, Keiser, Chase, Hasegawa, Frockt, Rolfes, Cleveland, Darneille, Kline and Eide

Expanding higher education opportunities for certain students.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Chandler, Ortiz-Self, Santos and Haler spoke in favor of the passage of the bill.

Representative Hargrove spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6523.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6523, and the bill passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, Condotta, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hawkins, Hayes, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kretz, Lytton, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Christian, Dahlquist, Hargrove, Harris, Holy, Hope, Klippert, Kristiansen, MacEwen, Magendanz, Manweller, Orcutt, Overstreet, Pike, Rodne, Schmick, Scott, Shea, Taylor, Vick and Young.

Excused: Representative Parker.

SENATE BILL NO. 6523, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Bill No. 6523.

Representative G. Hunt, 2 District

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

There being no objection, the following bills were referred to the Committee on Rules:

HOUSE BILL NO. 1477
 HOUSE BILL NO. 1771
 HOUSE BILL NO. 1238
 HOUSE BILL NO. 1704
 HOUSE BILL NO. 2114
 HOUSE BILL NO. 2136
 SUBSTITUTE HOUSE BILL NO. 1542
 SUBSTITUTE HOUSE BILL NO. 1580
 HOUSE BILL NO. 1135
 HOUSE BILL NO. 2297
 SUBSTITUTE HOUSE BILL NO. 1098
 HOUSE BILL NO. 1555
 HOUSE BILL NO. 1595
 HOUSE BILL NO. 1809
 HOUSE BILL NO. 1953
 HOUSE BILL NO. 1959
 HOUSE BILL NO. 2041
 HOUSE BILL NO. 2086
 HOUSE BILL NO. 2154
 HOUSE BILL NO. 2182
 HOUSE BILL NO. 2186
 HOUSE BILL NO. 2188
 HOUSE BILL NO. 2241
 HOUSE BILL NO. 2267
 HOUSE BILL NO. 2343
 HOUSE BILL NO. 2390
 HOUSE BILL NO. 2417
 HOUSE BILL NO. 2452
 HOUSE BILL NO. 2514
 HOUSE BILL NO. 2650
 HOUSE BILL NO. 2676
 HOUSE BILL NO. 1014

SUBSTITUTE HOUSE BILL NO. 1601	HOUSE BILL NO. 2357
SUBSTITUTE HOUSE BILL NO. 1740	HOUSE BILL NO. 2409
HOUSE BILL NO. 1024	HOUSE BILL NO. 2428
HOUSE BILL NO. 1060	HOUSE BILL NO. 2432
HOUSE BILL NO. 2176	HOUSE BILL NO. 2449
HOUSE BILL NO. 2326	HOUSE BILL NO. 2458
HOUSE BILL NO. 2176	HOUSE BILL NO. 2468
HOUSE BILL NO. 2326	HOUSE BILL NO. 2528
HOUSE BILL NO. 2434	HOUSE BILL NO. 2604
HOUSE BILL NO. 2477	HOUSE BILL NO. 2634
HOUSE BILL NO. 2503	HOUSE BILL NO. 2677
HOUSE BILL NO. 2526	HOUSE BILL NO. 2695
HOUSE BILL NO. 2577	ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620
HOUSE BILL NO. 2581	HOUSE BILL NO. 2168
HOUSE BILL NO. 2621	HOUSE BILL NO. 2718
HOUSE BILL NO. 2697	HOUSE BILL NO. 2388
HOUSE BILL NO. 2717	HOUSE BILL NO. 2459
HOUSE BILL NO. 1225	HOUSE BILL NO. 2523
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.	HOUSE BILL NO. 2549
1301	HOUSE BILL NO. 1037
HOUSE BILL NO. 2179	
HOUSE BILL NO. 2462	
SUBSTITUTE HOUSE BILL NO. 1574	
HOUSE BILL NO. 1711	
HOUSE BILL NO. 2055	
HOUSE BILL NO. 2141	
HOUSE BILL NO. 2187	
HOUSE BILL NO. 2198	
HOUSE BILL NO. 2211	
HOUSE BILL NO. 2216	
HOUSE BILL NO. 2226	
HOUSE BILL NO. 2245	
HOUSE BILL NO. 2275	
HOUSE BILL NO. 2281	
HOUSE BILL NO. 2304	

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

There being no objection, the House adjourned until 10:00 a.m., February 19, 2014, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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2526	Other Action.....	29
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2677	Other Action.....	29
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