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**SIXTIETH LEGISLATURE - REGULAR SESSION**

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**THIRTY SIXTH DAY**

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House Chamber, Olympia, Monday, February 18, 2008

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). 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 Theresa Rutherford and Jose Chavez. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anna Grace, Unity Church of Olympia.

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

**MESSAGE FROM THE SENATE**

February 16, 2008

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5208,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,  
SUBSTITUTE SENATE BILL NO. 6317,  
SENATE BILL NO. 6321,  
SUBSTITUTE SENATE BILL NO. 6324,  
SUBSTITUTE SENATE BILL NO. 6445,  
SENATE BILL NO. 6531,  
SUBSTITUTE SENATE BILL NO. 6569,  
SUBSTITUTE SENATE BILL NO. 6602,  
SUBSTITUTE SENATE BILL NO. 6609,  
SUBSTITUTE SENATE BILL NO. 6678,  
SUBSTITUTE SENATE BILL NO. 6761,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6771,  
SENATE BILL NO. 6818,  
SENATE BILL NO. 6849,  
SUBSTITUTE SENATE BILL NO. 6857,  
SUBSTITUTE SENATE BILL NO. 6932,  
SUBSTITUTE SENATE BILL NO. 6297,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

SSB 5254 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Kastama, Fairley, Rockefeller, Kauffman, Marr, Hatfield, Weinstein, Keiser, Sheldon, McAuliffe, Eide, Kohl-Welles, Shin, Murray, Tom, Regala, Spanel and Kline)

AN ACT Relating to industry skill panels; amending RCW 28C.18.010; adding new sections to chapter 28C.18 RCW; and creating new sections.

Referred to Committee on Appropriations Subcommittee on Education.

2SSB 5367 by Senate Committee on Ways & Means (originally sponsored by Senators Shin, Kastama, Kilmer, Kauffman, Clements, Berkey and Rasmussen)

AN ACT Relating to the establishment of the Washington trade corps fellowship program; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5378 by Senate Committee on Judiciary (originally sponsored by Senators Weinstein, Kline and Rockefeller)

AN ACT Relating to deeds of trust; and amending RCW 61.24.010, 61.24.030, 61.24.040, 61.24.045, 61.24.130, and 61.24.135.

Referred to Committee on Judiciary.

SSB 5651 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Kauffman, Kastama and Kilmer)

AN ACT Relating to investigating and assessing performance in meeting community credit needs; and amending RCW 30.60.010.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

2ESB 5723 by Senators Rasmussen, Clements, Hatfield, Roach, Shin, Morton, Kline, Schoesler, Haugen, Sheldon, Hargrove, Kohl-Welles, Fairley, Honeyford, Franklin, Keiser, Berkey, Kauffman, Kilmer, Jacobsen, Kastama, Benton, Zarelli and Parlette

AN ACT Relating to creating the community agricultural worker safety grant program; adding a new section to chapter 15.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

3SSB 5743 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Kastama, Kilmer and Shin)

AN ACT Relating to linking economic clusters and quality management practices to customized training; and amending RCW 28C.04.400, 28C.04.410, 28C.04.420, and 43.330.080.

Referred to Committee on Higher Education.

ESB 5927 by Senator Delvin

AN ACT Relating to exempting certain internal control documents from disclosure under the public records act; reenacting and amending RCW 42.56.270; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

SSB 6195 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Haugen and Rasmussen)

AN ACT Relating to the definition of rural county for economic development purposes; amending RCW 43.160.020, 43.168.020, 43.330.086, and 82.16.0491; creating a new section; and providing an effective date.

Referred to Committee on Appropriations Subcommittee on General Government & Audit Review.

SB 6267 by Senators Keiser, Kastama, Franklin, Pflug and Kohl-Welles

AN ACT Relating to the prescriptive authority of advanced registered nurse practitioners; and repealing RCW 18.79.255.

Referred to Committee on Health Care & Wellness.

SSB 6316 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Delvin and Kohl-Welles)

AN ACT Relating to investment earnings of the gambling revolving fund; reenacting and amending RCW 43.79A.040; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6328 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Shin, Schoesler, Kilmer, Delvin, McAuliffe and Rasmussen)

AN ACT Relating to campus safety; amending RCW 28B.10.569; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 6331 by Senator McCaslin

AN ACT Relating to the modification of parenting plans based on the military service of a parent; and amending RCW 26.09.260.

Referred to Committee on Judiciary.

ESSB 6348 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senator Morton)

AN ACT Relating to the interwatershed transfer of water rights; and creating new sections.

Referred to Committee on Appropriations.

SSB 6367 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Eide, Stevens, Keiser, Hargrove, Franklin, Carrell, Regala, Shin, Kohl-Welles and Rasmussen)

AN ACT Relating to child protective services investigations; amending RCW 26.44.030 and 43.43.540; reenacting and amending RCW 26.44.030; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & Children's Services.

ESB 6386 by Senators Stevens, Hargrove, Morton, Delvin, McCaslin and Rasmussen

AN ACT Relating to publishing the personal information of a minor or information describing the locations where minors may be found; adding a new section to chapter

9.68A RCW; adding new sections to chapter 4.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6405 by Senate Committee on Transportation (originally sponsored by Senators Swecker and Rasmussen)

AN ACT Relating to the liability of persons rescued from flood waters on highways; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 6504 by Senators Hatfield, Swecker, Delvin, Regala, Schoesler, Morton, Pridemore and Rasmussen

AN ACT Relating to exempting certain minor new construction associated with construction storm water general permits from the state environmental policy act; amending RCW 43.21C.0383; and creating a new section.

Referred to Committee on Ecology & Parks.

SSB 6510 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, King, Shin and Rasmussen)

AN ACT Relating to providing a source of funding to assist small manufacturers in obtaining innovation and modernization services; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 6604 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Murray, Holmquist, Kohl-Welles, Prentice, King and Marr)

AN ACT Relating to enhancing the mobility of certified public accountants; amending RCW 18.04.025, 18.04.195, 18.04.205, 18.04.345, and 18.04.350; and creating new sections.

Referred to Committee on Commerce & Labor.

ESB 6663 by Senators Schoesler, Pridemore, Roach, Zarelli, Holmquist, Keiser and Kohl-Welles

AN ACT Relating to improving the administration of department of revenue tax programs by correcting and clarifying statutes; eliminating, repealing, and decodifying

obsolete or otherwise unnecessary statutes and statutory language; amending RCW 82.14.030, 82.14.045, 82.14.048, 82.14.360, 82.19.010, 82.24.020, 82.24.026, 82.24.027, 82.24.028, 82.29A.080, 84.09.030, and 84.48.080; creating new sections; decodifying RCW 82.29A.900 and 82.29A.910; and repealing RCW 82.29A.150.

Referred to Committee on Finance.

2SSB 6732 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Kline, Keiser, Marr, Murray, Hobbs, Regala, Tom, Oemig and Fairley)

AN ACT Relating to implementing the recommendations of the joint legislative task force on the underground economy in the construction industry; amending RCW 18.27.030, 18.27.100, 51.16.070, 50.13.060, 50.12.070, 51.48.103, and 51.48.020; amending 2007 c 288 s 2 (uncodified); adding a new section to chapter 39.12 RCW; adding new sections to chapter 18.27 RCW; adding a new section to chapter 43.22 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

SB 6740 by Senators Regala, King, McAuliffe and Rasmussen

AN ACT Relating to the provision of teacher certification services; and amending RCW 28A.410.060.

Referred to Committee on Education.

SSB 6774 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Kastama, Shin and Rockefeller)

AN ACT Relating to industry clusters; and amending RCW 43.330.090.

Referred to Committee on Appropriations Subcommittee on General Government & Audit Review.

2SSB 6775 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, Kilmer, Shin, Kastama, Franklin, Kohl-Welles and Rasmussen)

AN ACT Relating to addressing the digital literacy and technology training needs of low-income and underserved areas through state support of community technology programs; and adding a new chapter to Title 28B RCW.

Referred to Committee on Appropriations Subcommittee on Education.

SB 6839 by Senators Marr and Kohl-Welles

AN ACT Relating to workers' compensation coverage for work performed outside the state of Washington; and amending RCW 51.12.120.

Referred to Committee on Commerce & Labor.

2SSB 6855 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Brandland, Hatfield and McAuliffe)

AN ACT Relating to dedicated funding for jobs, economic development, and local capital projects; amending RCW 43.160.020, 43.160.030, 43.160.050, 43.160.060, 43.160.070, 43.160.074, 43.160.900, 43.160.080, and 43.63A.125; reenacting and amending RCW 43.160.010 and 43.160.076; adding a new section to chapter 43.162 RCW; adding new sections to chapter 43.63A RCW; repealing RCW 43.160.100, 43.160.120, 43.160.130, 43.160.140, 43.160.150, 43.160.160, 43.160.170, 43.160.200, 43.160.210, 43.160.220, 43.160.230, 43.160.240, and 44.28.801; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

ESB 6868 by Senators Brown and Marr

AN ACT Relating to protecting sole source aquifers by providing sewer utility service to mobile home parks; and amending RCW 35.67.370.

Referred to Select Committee on Environmental Health.

E2SSB 6874 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Rockefeller, Kauffman and Rasmussen)

AN ACT Relating to Columbia river water delivery; adding new sections to chapter 90.90 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SJM 8024 by Senators Hargrove, Haugen, Benton, Franklin, Spanel, Marr, Sheldon, Roach, Hobbs, Kilmer, Shin, McAuliffe, Rasmussen and Carrell

Requesting that Highway 112 be named the "Vietnam War Veterans' Memorial Highway."

Referred to Committee on Transportation.

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

## RESOLUTION

HOUSE RESOLUTION NO. 4692, By Representatives Rolfes, Hunter, Green, Warnick, Jarrett, Williams, Sullivan, Upthegrove, Appleton, Lantz, Orcutt and Hankins

WHEREAS, We recognize and honor on this day George Washington, the father of our country and our state's namesake, who led our country through the pains of its birth, and Abraham Lincoln, our sixteenth president, who was called upon to preserve and perpetuate our nation; and

WHEREAS, George Washington, born February 22, 1732, led the Revolutionary Army with courage and fortitude, and then serving as the first president of these United States, defined the office and remained ever mindful of his actions and the ramifications carried by his deeds; and

WHEREAS, Abraham Lincoln, born February 12, 1809, is remembered for his connection with common men having risen from humble beginnings to our nation's highest office, and as the savior of the Union, spending his first term fighting the Civil War, and then turning at the war's conclusion to rebuilding the union and famously emphasizing "With malice toward none; with charity for all"; and

WHEREAS, Abraham Lincoln remains one of the most quoted presidents, having said of the relevant governing virtue of responsibility: "I freely acknowledge myself the servant of the people, according to the bond of service – the United States Constitution; and that, as such, I am responsible to them"; and

WHEREAS, It was in 1968 when federal legislation, the "Monday Holidays Act," was passed to install the Presidents' Day celebration that we have come to know and respect; and

WHEREAS, In 1985, the Washington State Legislature singled out the third Monday in February as a day for commemorating the births of Presidents Washington and Lincoln; and

WHEREAS, These presidents remain among the finest examples of leadership, determination, and honor not only for political leaders but for citizens everywhere;

NOW, THEREFORE, BE IT RESOLVED, That on this eighteenth day of February 2008, the House of Representatives honor the first and sixteenth Presidents of these United States for their immeasurable contributions to, and noble sacrifices for, the cause of liberty, equality, and justice.

Representative Rolfes moved the adoption of the resolution.

Representatives Rolfes and Schmick spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4692 was adopted.

## MOTIONS

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

On motion of Representative Santos, Representative Flannigan was excused. On motion of Representative Schindler, Representatives DeBolt, Hailey and Skinner were excused.

## MESSAGES FROM THE SENATE

February 15, 2008

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5106,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5517,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6437,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 18, 2008

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6181,  
SUBSTITUTE SENATE BILL NO. 6777,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

## SECOND READING

**HOUSE BILL NO. 2666, By Representatives Morrell, Cody, McCoy, Green, Hunt, Wallace, Pedersen, Moeller, McIntire, Barlow, Conway, Simpson and Darneille**

**Establishing standards for long-term care insurance.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2666 was substituted for House Bill No. 2666 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2666 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 Morrell and Hinkle 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. 2666.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2666 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives DeBolt, Flannigan, Hailey and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2666, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2817, By Representatives Campbell, Green, Morrell, Hudgins and McCune**

**Concerning motor vehicles, vehicles, and vessels contaminated with methamphetamines.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2817 was substituted for House Bill No. 2817 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2817 was read the second time.

Representative Campbell moved the adoption of amendment (1105):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.44.050 and 2006 c 339 s 205 are each amended to read as follows:

(1) An owner of contaminated property who desires to have the property decontaminated, demolished, or disposed of shall use the services of an authorized contractor unless otherwise authorized by the local health officer. The contractor and property owner shall prepare and submit a written work plan for decontamination, demolition, or disposal to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination, demolition, or disposal is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A release for reuse document shall be recorded in the real property records indicating the property has been decontaminated, demolished, or disposed of in accordance with rules of the state department of health. The property owner is responsible for: (a) The costs of any property testing which may be required to demonstrate the presence or absence of hazardous chemicals; and (b) the costs of the property's decontamination, demolition, and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter.

(2)(a) In a case where the contaminated property is a motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010, and methamphetamine or any of its salts, isomers, and salts of isomers were found inside, and the local health officer has issued an order declaring the property unfit and prohibiting its use, the city or county in which the property is located shall take action to prohibit use, occupancy, or removal, and shall require demolition, disposal, or decontamination of the property. The city, county, or local law enforcement agency may impound the vehicle or vessel to enforce this chapter.

(b) The property owner shall have the property demolished, disposed of, or decontaminated by an authorized contractor, or under a written work plan approved by the local health officer, within thirty days of receiving the order declaring the property unfit and prohibited from use. After all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted, if the property owner has not demolished, disposed of, or decontaminated the property using an authorized contractor, or under a written work plan approved by the local health officer within thirty days, then the local health officer or the local law enforcement agency may demolish, dispose of, or decontaminate the property. The property owner is responsible for the costs of the property's demolition, disposal, or decontamination, as well as all costs incurred by the local health officer or the local law enforcement agency resulting from the enforcement of this chapter, except as otherwise provided for under this subsection.

(c) The legal owner of a motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010 whose sole basis of ownership is a bona fide security interest is responsible for costs under this subsection if the legal owner had knowledge of or consented to any act or omission that caused contamination of the vehicle or vessel.

(d) If the vehicle or vessel has been stolen and the property owner neither had knowledge of nor consented to any act or omission that contributed to the theft and subsequent contamination of the vehicle or vessel, the owner is not responsible for costs under this subsection, except if the registered owner is insured, the registered owner shall within fifteen calendar days of receiving an order declaring the property unfit and prohibiting its use, submit a claim to his or her insurer for reimbursement of costs of the property's

demolition, disposal, or decontamination, as well as all costs incurred by the local health officer or the local law enforcement agency resulting from the enforcement of this chapter, and shall provide proof of claim to the local health officer or the local law enforcement agency.

(e) If the property owner has not acted to demolish, dispose of, or decontaminate as set forth in this subsection regardless of responsibility for costs, and the local health officer or local law enforcement agency has taken responsibility for demolition, disposal, or decontamination, including all associated costs, then all rights, title, and interest in the property shall be deemed forfeited to the local health jurisdiction or the local law enforcement agency.

(f) This subsection may not be construed to limit the authority of a city, county, local law enforcement agency, or local health officer to take action under this chapter to require the owner of the real property upon which the contaminated vehicle or vessel is located to comply with the requirements of this chapter, including provisions for the right of notice and opportunity to appeal as provided in RCW 64.44.030.

(3) Except as provided in subsection (2) of this section, the local health officer has thirty days from the issuance of an order declaring a property unfit and prohibiting its use to establish a reasonable timeline for decontamination. The department of health shall establish the factors to be considered by the local health officer in establishing the appropriate amount of time.

The local health officer shall notify the property owner of the proposed time frame by United States mail to the last known address. Notice shall be postmarked no later than the thirtieth day from the issuance of the order. The property owner may request a modification of the time frame by submitting a letter identifying the circumstances which justify such an extension to the local health officer within thirty-five days of the date of the postmark on the notification regardless of when received.

NEW SECTION. Sec. 2. A new section is added to chapter 64.44 RCW to read as follows:

(1) The Washington state department of licensing shall take action to place notification on the title of any motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010, that the vehicle or vessel has been declared unfit and prohibited from use by order of the local health officer under this chapter. When satisfactory decontamination has been completed and the contaminated property has been retested according to the written work plan approved by the local health officer, a release for reuse document shall be issued by the local health officer, and the department shall place notification on the title of that vehicle or vessel as having been decontaminated and released for reuse.

(2)(a) A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010, that has been declared unfit and prohibited from use by the local health officer under this chapter when:

(i) The person has knowledge that the vehicle or vessel has been found to be contaminated with methamphetamine or any of its salts, isomers, and salts of isomers; or

(ii) A notification has been placed on the title under subsection (1) of this section that the vehicle or vessel has been declared unfit and prohibited from use.

(b) A person may advertise or sell a vehicle or vessel when a release for reuse document has been issued by the local health officer

under this chapter or a notification has been placed on the title under subsection (1) of this section that the vehicle or vessel has been decontaminated and released for reuse.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.55 RCW to read as follows:

An impound under RCW 64.44.050 shall not be considered an impound under this chapter. A tow operator who contracts with a law enforcement agency for transporting a vehicle impounded under RCW 64.44.050 shall only remove the vehicle to a secure public facility, and not be required to store or dispose of the vehicle. The vehicle shall remain in the care, custody, and control of the law enforcement agency to be demolished, disposed of, or decontaminated as under RCW 64.44.050. The law enforcement agency shall pay for all costs incurred as a result of the towing if the vehicle owner does not pay within thirty days. The law enforcement agency may seek reimbursement from the owner.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Campbell, Sump and Clibborn spoke in favor of the adoption of the amendment.

The amendment 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 Campbell, Sump and Hudgins 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. 2817.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2817 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson,

Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives DeBolt, Flannigan, Hailey and Skinner - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2817, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2530, By Representatives Nelson, Cody and Upthegrove

**Studying the effectiveness of the existing hydraulic project approval process under chapter 77.55 RCW in protecting fish life.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2530 was substituted for House Bill No. 2530 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2530 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 Nelson, Kretz and Simpson 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. 2530.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2530 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson,

Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives DeBolt, Flannigan, Hailey and Skinner - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 2530, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Nelson on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

#### **HOUSE BILL NO. 2542, By Representative Ericks; by request of Department of Revenue**

#### **Providing for the enforcement of cigarette taxes through regulation of stamped and unstamped cigarettes.**

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 Hunter 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. 2542.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2542 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan,

Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives DeBolt, Flannigan, Hailey and Skinner - 4.

HOUSE BILL NO. 2542, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2585, By Representatives McIntire and Kessler**

#### **Concerning the business and occupation taxation of newspaper-labeled supplements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2585 was substituted for House Bill No. 2585 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2585 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.

Representative McIntire spoke in favor of the passage of the bill.

Representative Orcutt 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. 2585.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2585 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van

De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Chandler, Dunn, Orcutt and Sump - 5.

Excused: Representatives DeBolt, Flannigan, Hailey and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2585, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2746, By Representatives Jarrett, Morris and McIntire**

**Concerning the purchasing of fuel by agencies performing the metropolitan transportation function.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2746 was substituted for House Bill No. 2746 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2746 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 Jarrett and Ericksen 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. 2746.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2746 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives DeBolt, Flannigan, Hailey and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2746, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2712, By Representatives Hurst, Ross, Dickerson, Newhouse, Conway, Morrell, Roach, Kelley and Ormsby**

**Concerning criminal street gangs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2712 was substituted for House Bill No. 2712 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2712 was read the second time.

Representative Hurst moved the adoption of amendment (1193):

On page 43, beginning on line 20, strike all of section 701, and insert the following:

"NEW SECTION. Sec. 701. A new section is added to chapter 43.31 RCW to read as follows:

The legislature recognizes that witnesses are often fearful of testifying against criminal gang members. Witnesses may be subject to harassment, intimidation, and threats. While the state does not ensure protection of witnesses, the state intends to provide resources to assist local prosecutors in combating gang-related crimes and to help citizens perform their civic duty to testify in these cases.

NEW SECTION. Sec. 702. A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to available funds, the department of community, trade, and economic development shall establish a temporary witness assistance grant program for witnesses of felony criminal street gang-related offenses. The department of community, trade, and economic development shall develop a formula for distributing temporary witness assistance grants and consideration shall primarily be given to those county prosecutors that show that there is a significant gang problem in their jurisdiction.

(2) As part of the temporary witness assistance grant program, the department of community, trade, and economic development shall work in collaboration with each local prosecutor attorney to determine how and how much grant funding shall be distributed in order to reimburse county prosecutors in assisting witnesses of felony gang-related offenses with temporary assistance, relocation, and shelter.

(3) Each temporary witness assistance grant awarded shall be limited to a maximum of five thousand dollars per witness of a felony criminal street gang-related offense or for a period of no more than three months.

(4) Based upon the prior approval of the department of community, trade, and economic development, approved county

prosecutor costs incurred for providing temporary witness assistance shall be reimbursed to the respective county prosecutor's office on a quarterly basis.

(5) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages resulting from the temporary witness assistance program, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

(6) The cost for the department of community, trade, and economic development to administer the grants shall not exceed three percent of the total amount of funding appropriated to the temporary witness assistance grant program.

NEW SECTION. Sec. 703. If specific funding for purposes of section 702 of this act, referencing section 702 of this act by bill or chapter and section number, is not provided by June 30, 2008, in the omnibus operating appropriations act, section 702 of this act is null and void."

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

The amendment 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 Hurst, Ross, Hinkle, Pearson, Ahern, Newhouse, O'Brien, Chandler and Ericks 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. 2712.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2712 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan,

Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2712, having received the necessary constitutional majority, was declared passed.

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

**HOUSE BILL NO. 2621, By Representatives Hurst, Lantz and Simpson**

**Requiring certain sentences for vehicular homicide and vehicular assault to run consecutively.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2621 was substituted for House Bill No. 2621 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2621 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 Hurst and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2621.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2621 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-

Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Pedersen - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2621, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2767, By Representatives Blake, Kretz, Grant, Van De Wege, Orcutt, McCoy, Hailey, Pettigrew, Kenney, Loomis, Pearson and Newhouse**

**Exempting specialty agricultural structures from building code requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2767 was substituted for House Bill No. 2767 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2767 was read the second time.

Representative Simpson moved the adoption of amendment (1206):

On page 1, after line 3, insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that the benefits of a productive and prosperous agricultural economy are numerous and are enjoyed throughout the state. Washington's agricultural products are a vital part of the state's economic and cultural fabric, and are consumed in countless local, regional, and international markets. The legislature recognizes also that it plays a meaningful role in promoting the health of the state's agricultural economy.

(2) The legislature further recognizes that it has a duty to secure the well being of its citizens through the establishment and enforcement of requirements for safe physical structures, and that these requirements are implemented through locally-issued building permits.

(3) The legislature intends this legislation to promote the health of the state's agricultural economy and to ensure the safety of its citizens. The legislature intends for these two objectives to be met by establishing a statewide permit cost for specialty agricultural structures."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, at the beginning of line 6, insert "(1)"

On page 1, line 7, after "agricultural" strike "buildings" and insert "structures"

On page 1, line 8, after "exceed" strike all material through "inspections" on line 9 and insert "one hundred fifty dollars"

On page 1, line 14, after "agricultural" strike "building" and insert "structure"

On page 1, after line 14, insert the following:

"(2) No plan review is necessary for a pre-engineered specialty agricultural structure on a commercial agricultural operation if the design has been:

(a) Approved by a state licensed and registered engineer; and

(b) Certified to meet local conditions related to wind load, snow load, and other natural forces."

On page 1, at the beginning of line 15, insert "(3)"

Correct the title.

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

The amendment 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.

Representative Blake spoke in favor of the passage of the bill.

Representative Kretz spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2767.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2767 and the bill passed the House by the following vote: Yeas - 76, Nays - 19, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Alexander, Armstrong, Chandler, Crouse, DeBolt, Ericksen, Haler, Hankins, Hinkle, Kretz, Kristiansen, Pearson, Ross, Schindler, Schmick, Simpson, Sump and Warnick - 19.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2767, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3177, By Representatives Sommers and Dunshee**

**Reducing the membership of the state expenditure limit committee.**

The bill was read the second time.

Representative Alexander moved the adoption of amendment (1166):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.135.025 and 2005 c 72 s 4 are each amended to read as follows:

(1) The state shall not expend from the general fund and related funds during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under \*RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund or related fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2007, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund and related funds, not including federal funds, for the fiscal year beginning July 1, 2006, plus the fiscal growth factor.

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the (~~attorney general or the attorney general's designee~~) state treasurer, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least four members.

(6) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the (~~attorney~~

~~general or his or her designee~~) state treasurer shall adjust or project the expenditure limit, as necessary.

(7) "Fiscal growth factor" means the average growth in state personal income for the prior ten fiscal years.

(8) "General fund" means the state general fund.

(9) "Related fund" means the health services account, violence reduction and drug enforcement account, public safety and education account, water quality account, or student achievement fund."

Representatives Alexander and Orcutt spoke in favor of the the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1166) to House Bill No. 3177.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (1166) to House Bill No. 3177 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 59, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, McIntire, Newhouse, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Warnick and Mr. Speaker - 36.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Pedersen, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams and Wood - 59.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

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

Representative Sommers spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3177.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3177 and the bill passed the House by the following vote: Yeas - 60, Nays - 35, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Chase, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, McIntire, Newhouse, Orcutt, Pearson, Pettigrew, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Walsh and Warnick - 35.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 3177, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1115, By Representatives Miloscia, Pettigrew, Morrell, Ormsby, Green, Darneille, Haigh, Moeller, Wallace, Santos and Simpson**

#### Creating programs to end homelessness.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1115 was substituted for House Bill No. 1115 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1115 was read the second time.

Representative Miloscia moved the adoption of amendment (1207):

On page 5, after line 32, insert the following:

"(22) "Unsheltered homeless" means a homeless individual or homeless individuals living outside or in a building not intended for human habitation or in which the individual or individuals have no legal right to occupy."

On page 6, line 24, after "population")" insert "to meet the needs of all homeless populations, including chronic homeless, unsheltered homeless, short-term homeless, families, individuals, and youth"

On page 10, line 14, after "objectives" insert "and performance measures"

On page 10, line 17, after "chronic homeless," insert "unsheltered homeless,"

On page 18, line 28, after "(e)" insert "Timely housing opportunities for unsheltered homeless;  
(f)"

Reletter the remaining subsections.

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

The amendment 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.

Representative Miloscia spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1115.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1115 and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach,

Rodne, Ross, Schindler, Schmick, Sump, Walsh and Warnick - 29.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1115, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2110, By Representatives Simpson, Ericks, Dunshee, Sullivan and Ormsby**

**Allowing all fire protection facilities to use impact fees.**

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 Simpson and Sullivan spoke in favor of the passage of the bill.

Representatives Warnick, Orcutt, Hinkle and Schindler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2110.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2110 and the bill passed the House by the following vote: Yeas - 60, Nays - 35, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Clibborn, Condotta, Crouse, DeBolt, Dunn, Eddy, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Walsh and Warnick - 35.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 2110, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2844, By Representatives Kagi, Priest, Upthegrove, Campbell, Simpson, Hunt, Blake, Jarrett, Nelson, Rolfes, Dickerson, Appleton, Takko, Loomis, Lantz, Pettigrew, Hunter, Moeller, Hudgins, Quall, O'Brien, Anderson, Kenney, Pedersen, McIntire and Roberts**

**Regarding urban forestry.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2844 was substituted for House Bill No. 2844 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2844 was read the second time.

Representative Kagi moved the adoption of amendment (1175):

On page 7, line 22, after "develop" strike "an evergreen cities logo and signage for designated evergreen cities' gateway signage" and insert "gateway signage and logos for evergreen cities and evergreen counties"

On page 15, line 1, strike "(1)"

On page 15, beginning on line 6, strike all material through "act." on line 9

On page 16, line 10, after "(c)" strike all material through "received." on line 13

On page 16, line 13, after "Donations" strike "reported" and insert "received"

On page 16, line 33, after "(c)" strike all material through "received." on line 36

On page 16, line 36, after "Donations" strike "reported" and insert "received"

On page 17, line 22, after "(c)" strike all material through "received." on line 25

On page 17, line 25, after "Donations" strike "reported" and insert "received"

On page 18, line 6, after "(3)" strike all material through "received." on line 9

On page 18, line 10, after "Donations" strike "reported" and insert "received"

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

The amendment was adopted.

Representative Pearson moved the adoption of amendment (1214):

On page 7, after line 32, insert the following:

"(7) Cities with fewer than twenty thousand residents are not eligible for designation as an evergreen city."

Representatives Pearson and Sump spoke in favor of the adoption of the amendment.

Representative Upthegrove spoke against the adoption of the amendment.

The amendment was not 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.

Representative Kagi spoke in favor of the passage of the bill.

Representative Kretz spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2844.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2844 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Chandler, Condotta, Crouse, Dunn, Ericksen, Haler, Herrera, Hinkle, Kretz, Kristiansen, McCune, Orcutt, Pearson, Schindler, Schmick, Smith, Sump and Warnick - 22.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2844, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2887, By Representatives Fromhold, Crouse, Conway, Wood and Kessler**

**Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees' retirement system.**

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 Fromhold and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2887.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2887 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 2887, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2917, By Representatives Upthegrove, Warnick, Wallace, Hasegawa, Roberts and Liias**

**Regarding voter registration and informational activities at institutions of higher education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2917 was substituted for House Bill No. 2917 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2917 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.

Representative Upthegrove spoke in favor of the passage of the bill.

Representatives Anderson and Hankins spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2917.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2917 and the bill passed the House by the following vote: Yeas - 62, Nays - 33, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Quall, Roach, Roberts, Rodne, Ross, Schindler, Schmick, Smith, Sump and Walsh - 33.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2917, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1332, By Representatives Pettigrew, Dunn, Miloscia, Springer, McCune, Ormsby, Kenney, Roberts, Wood, Santos and Chase**

**Addressing affordable housing development.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1332 was substituted for House Bill No. 1332 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1332 was read the second time.

Representative Pettigrew moved the adoption of amendment (1227):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) The lack of affordable housing for very low-income and low-income households and for housing for special needs populations is intensified by the rising cost of land and construction;

(b) There are publicly owned surplus land and buildings that may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing or housing for special needs populations; and

(c) Requiring certain public agencies, commissions, and local governments to offer suitable surplus land and buildings for a minimum period of time to eligible organizations for the purpose of the development of affordable housing or housing for special needs populations confers a valuable benefit on the public that constitutes consideration for the sale of such property.

(2) The legislature declares that the purpose of this act is to:

(a) Identify publicly owned land and buildings that may be suitable for the development of affordable housing for very low-income and low-income households or for housing for special needs populations;

(b) Provide public notice of state and other publicly owned land and buildings that may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing or housing for special needs populations; and

(c) Facilitate the effective use of publicly owned surplus and underutilized land and buildings suitable for the development of affordable housing for very low-income and low-income households or for housing for special needs populations by requiring that these types of surplus property owned by certain public agencies, commissions, and local governments be offered for an initial time period to eligible organizations for the development of affordable housing for very low-income and low-income households or for housing for special needs populations.

**Sec. 2.** RCW 43.63A.510 and 1993 c 461 s 2 are each amended to read as follows:

~~(1) ((The department shall work with the departments of natural resources, transportation, social and health services, corrections, and general administration to identify and catalog under-utilized, state-owned land and property suitable for the development of affordable housing for very low-income, low-income or moderate-income households.))~~ The department, and the departments of natural resources, transportation, social and health services, corrections, and general administration, the state parks and recreation commission, and local governments, shall ~~((provide))~~ each produce an inventory of real property that is owned or administered by ~~((each))~~ the agency, commission, or local government, is suitable for the development of affordable housing or for housing for special needs populations, and is available for lease or sale. ~~((The inventories shall be provided to the department by November 1, 1993, with inventory revisions provided each November 1 thereafter.~~

~~(2) Upon written request, the department shall provide a copy of the inventory of state-owned and publicly owned lands and buildings to parties interested in developing the sites for affordable housing.))~~ Each inventory must contain descriptive information about each property that includes, if known, the contact information for the property and the location, approximate size, the sale or lease price and terms, and the current zoning classification of the property. Each inventory must be updated at least once a year, and printed and electronic copies of each inventory must be provided upon request.

~~((2))~~ (2) As used in this section, unless the context clearly requires otherwise:

(a) "Affordable housing" means residential housing that is rented or owned by a person who qualifies as a very low-income(~~(;))~~ or low-income(~~(; or moderate-income)~~) household or who is from a special needs population, and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(b) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median family income, adjusted for household size, for the county where the affordable housing is located.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is more than fifty percent but is at or below eighty percent of the median family income where the affordable housing is located.

~~(d) ("Moderate-income household" means a single person, family, or unrelated persons living together whose income is more than eighty percent but is at or below one hundred fifteen percent of the median income where the affordable housing is located.))~~ "Special needs populations" includes, but is not limited to, persons with mental illness, dementia, a developmental disability, or other condition affecting cognition, such as traumatic brain injury.

(e) "Eligible organization" means any city, town, or county government, local housing authority, public development authority, community renewal agency, regional support network established under chapter 71.24 RCW, nonprofit community or neighborhood-based organization, federally recognized Indian tribe in the state of Washington, or regional or statewide nonprofit housing assistance organization, each having experience in the development of affordable housing or housing for special needs populations. In the case of school district surplus property, "eligible organization" also means a community school, public school, postsecondary institution, nonprofit early learning provider, and any other nonprofit community resource with an integrated focus on academics, health and social services, youth and community development, and community engagement.

(f) "Housing authority" or "authority" means any of the public corporations created by RCW 35.82.030.

(g) "Public development authority" means a public authority created under RCW 35.21.730.

(h) "Community renewal agency" has the same meaning as in RCW 35.81.015.

(i) "Purchasing entity" means an eligible organization that purchases surplus property under this section.

(j) "Local government" means:

(i) A county subject to RCW 36.70A.215 or with a population of at least four hundred thousand;

(ii) A city or town with a population of at least five thousand within a county that is subject to RCW 36.70A.215 or that has a population of at least four hundred thousand; or

(iii) A school district with an enrollment of at least five thousand students.

(k) "Community school" means both a place and a set of partnerships between entities including, but not limited to, public schools, postsecondary institutions, local governments, nonprofit early learning providers, and other nonprofit community resources with an integrated focus on academics, health and social services, youth and community development, and community engagement.

(3)(a) Except as provided in subsection (5) of this section, surplus property for sale by the department, and the departments of natural resources, transportation, social and health services, corrections, and general administration, the state parks and recreation commission, and by local governments, which is suitable for the development of affordable housing or for housing for special needs populations, must be offered, for at least the first one hundred eighty days after its availability for sale, exclusively to eligible organizations, for the purpose of developing affordable housing or housing for special needs populations. Eligible organizations have the right of first opportunity to purchase these surplus properties, under reasonable option and purchase conditions, in return for a commitment to provide affordable housing or housing for special needs populations for at least thirty years. Agencies, commissions, and local governments subject to this section have the sole authority to determine: (i) Whether or not property is surplus; (ii) whether or not the property is suitable for the development of affordable housing for very low-income and low-income households or for housing for special needs populations; and (iii) what constitutes reasonable option and purchase conditions.

(b)(i) Any eligible organization interested in purchasing surplus property described in this section must present to the agency, commission, or local government that is selling the property an affordable housing or special needs housing project description, including:

(A) The number of affordable housing units to be created and a description of the income-level populations that may occupy the units;

(B) The number of special needs units to be created;

(C) The number, estimated square footage, and description of the purpose of other facilities to be created;

(D) The number of years the purchasing entity intends to (I) retain the affordable housing units as affordable housing or (II) retain housing units for special needs populations, which must be at least thirty years; and

(E) A proposed development schedule indicating that the development will either be placed into service or be substantially completed and available for occupation within eight years of the date on which the purchasing entity formally purchases the property.

(ii) Individual local governments, state agencies, and commissions may establish additional requirements for purchase offers by eligible organizations.

(c) Each agency, commission, and local government subject to this section must establish criteria to use if more than one eligible organization is interested in purchasing a single piece of surplus property and presents a proposed project description during the required initial offer period. The criteria may give preference to eligible organizations that propose to develop affordable housing or housing for special needs populations that:

(i) Serve the lowest income populations or special needs populations;

(ii) Create the greatest number of affordable housing units or units for special needs populations;

(iii) Preserve the affordability of the affordable housing units or commit to retain the units for special needs populations for the longest periods of time;

(iv) Integrate or cause the provision of appropriate supportive services in the proposed project description; and

(v) Are most likely to place affordable housing or housing for special needs populations into service at the earliest date.

(d) If an eligible organization does not present a proposed project description that meets the requirements of (c) of this subsection, during the required initial offer period, local governments, state agencies, and commissions may consider offers from the general public. However, these entities are encouraged to market surplus properties to other entities interested in developing affordable housing or housing for special needs populations.

(4) State agencies, commissions, and local governments subject to this section must maintain records of all properties listed in the inventory required under subsection (1) of this section for at least ten years. Records must include the documentation of sales to eligible organizations and information regarding affordable housing planned or produced on the properties sold to eligible organizations.

(5) School districts, in addition to offering suitable surplus property exclusively to eligible organizations for the purpose of developing affordable housing or housing for special needs populations for at least the first one hundred eighty days after its availability for sale, as required in subsection (3) of this section, must also offer such property, if deemed suitable for such purposes, to eligible organizations for the development of community schools during the same one hundred eighty-day period. School districts may prioritize a community school development project over projects to develop affordable housing or housing for special needs populations. Eligible organizations interested in developing a community school must provide the school district with a development plan describing the services to be provided, the target populations to be served, and the anticipated date of operation.

(6) The following property is exempt from this chapter:

(a) Real property designated or previously acquired as state lands as defined in RCW 79.02.010; and

(b) Lands acquired under restrictive conveyances.

(7) This section is not intended to limit the powers granted in chapters 35.81, 35.82, and 35.83 RCW, or to prevent a selling entity from using alternative processes for the sale or disposition of surplus land for affordable housing or special needs housing purposes as long as those alternative processes require that surplus land be used for affordable housing or for housing for special needs populations, meeting, at a minimum, the standards required under this section.

**Sec. 3.** RCW 35.21.687 and 1995 c 399 s 37 are each amended to read as follows:

(1) Every city and town with a population of at least fifteen thousand within a county subject to RCW 36.70A.215, including every code city operating under Title 35A RCW, shall identify and catalog real property owned by the city or town that is no longer required for its purposes, is available for lease or sale, and is suitable for the development of affordable housing for very low-income(;) and low-income(, and moderate-income) households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). Cities, towns, and code cities have the sole authority to determine: (a) Whether or not property owned by the city, town, or code city is surplus; (b) whether or not the property is suitable for the development of affordable housing for very low-income and low-income households or for housing for special needs populations; and (c) what constitutes reasonable option and purchase conditions. The inventory ((shall include the location, approximate size, and current zoning classification of the property. Every city and town shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, with inventory revisions each November 1 thereafter)) must include information required under RCW 43.63A.510(1) (as recodified by this act).

(2) ((By November 1 of each year, beginning in 1994,)) Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) Every city and town with a population of at least fifteen thousand within a county subject to RCW 36.70A.215, including every code city operating under Title 35A RCW, shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The inventory revision ((shall)) must also contain a list of real property that has become available since the last update.

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 4.** RCW 36.34.137 and 1993 c 461 s 5 are each amended to read as follows:

(1) Every county subject to RCW 36.70A.215 or with a population of at least four hundred thousand shall identify and catalog real property owned by the county that is no longer required for its purposes and is suitable for the development of affordable housing for very low-income(;) and low-income(, and moderate-income) households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). Counties have the sole authority to determine: (a) Whether or not property owned by the county is surplus; (b) whether or not the property is suitable for the development of affordable housing for very low-income and low-income households or for housing for special needs populations; and (c) what constitutes reasonable option and purchase conditions. The inventory ((shall include the location, approximate size, and current zoning classification of the property. Every county shall provide a copy of the inventory to the department of community development by November 1, 1993, with inventory revisions each November 1 thereafter)) must include information required under RCW 43.63A.510(1) (as recodified by this act).

(2) ((By November 1 of each year, beginning in 1994,)) Property for sale, which is suitable for affordable housing or for housing for

special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) Every county subject to RCW 36.70A.215 or with a population of at least four hundred thousand shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The inventory revision shall include an updated listing of real property that has become available since the last update.

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 5.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income(⌘) and ~~((moderate))~~ low-income households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). ~~The inventory ((shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter)) must include information required under RCW 43.63A.510(1) (as recodified by this act).~~

(2) ((By November 1 of each year, beginning in 1994,)) Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) The department shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The department shall include an updated listing of real property that has become available since the last update.

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 6.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read as follows:

(1) Except as required in RCW 47.12.064:

(a) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

((⌘)) (b) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or improvements or for construction of improvements at fair market value to any of the following governmental entities or persons:

((⌘)) (i) In the case of property suitable for residential use, any eligible organization as defined in RCW 43.63A.510 (as recodified by this act);

\_\_\_\_\_ (ii) Any other state agency;

((⌘)) (iii) The city or county in which the property is situated;

((⌘)) (iv) Any other municipal corporation;

((⌘)) (v) Regional transit authorities created under chapter 81.112 RCW;

((⌘)) (vi) The former owner of the property from whom the state acquired title;

((⌘)) (vii) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

((⌘)) (viii) Any abutting private owner, but only after each other abutting private owner ((⌘)), if any((⌘)), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

((⌘)) (ix) To any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.28.050;

((⌘)) (x) To any other owner of real property required for transportation purposes;

((⌘)) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW;)) or

((⌘)) (xi) A federally recognized Indian tribe within whose reservation boundary the property is located.

((⌘)) (2) Sales to purchasers may at the department's option be for cash, by real estate contract, or exchange of land or improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

((⌘)) (3) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

((⌘)) (4) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

**Sec. 7.** RCW 47.12.064 and 1995 c 399 s 121 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income(⌘) and low-income(~~and moderate-income~~) households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). ~~The inventory ((shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter)) must include information required under RCW 43.63A.510(1) (as recodified by this act).~~

(2) ~~((By November 1 of each year, beginning in 1994,))~~ Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) The department shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The department shall include an updated listing of real property that has become available since the last update. ~~((As used in this section, "real property" means buildings, land, or buildings and land.))~~

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 8.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to read as follows:

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income(~~(s)~~) and low-income(~~(s)~~ and moderate income) households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). The inventory ~~((shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter))~~ must include information required under RCW 43.63A.510(1) (as recodified by this act).

(2) ~~((By November 1 of each year, beginning in 1994,))~~ Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) The department shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The department shall include an updated listing of real property that has become available since the last update.

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 9.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to read as follows:

(1) The department of general administration shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income(~~(s)~~) and low-income(~~(s)~~ and moderate income) households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). The inventory ~~((shall include the location, approximate size, and current zoning classification of the property. The department of general administration shall provide a copy of the inventory to the department of community, trade, and economic development by November 1,~~

1993, and every November 1 thereafter)) must include information required under RCW 43.63A.510(1) (as recodified by this act).

(2) ~~((By November 1 of each year, beginning in 1994,))~~ Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) The department of general administration shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The department shall include an updated listing of real property that has become available since the last update.

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 10.** RCW 79A.05.170 and 1991 sp.s. c 13 s 23 are each amended to read as follows:

(1) Any lands owned by the state parks and recreation commission, which are determined to be surplus to the needs of the state for development for state park purposes and which the commission proposes to deed to a local government or other entity for outdoor recreation purposes, shall be accompanied by a clause requiring that if the land is not used for outdoor recreation purposes, ownership of the land shall revert to the state parks and recreation commission.

(2) ~~((The state parks and recreation commission;))~~ In cases where land subject to ~~((such a reversionary clause is proposed for use or disposal for purposes other than recreation, shall require that, if the land))~~ reversion under subsection (1) of this section is surplus to the needs of the commission for park purposes at the time the commission becomes aware of its proposed use for nonrecreation purposes, the ~~((holder of the land or property shall reimburse the commission for the release of the reversionary interest in the land. The reimbursement shall be in the amount of the fair market value of the reversionary interest as determined by a qualified appraiser agreeable to the commission. Appraisal costs shall be borne by the local entity which holds title to the land))~~ commission shall:

(a) Offer any surplus land for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in section 12 of this act, to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act). If no acceptable purchase offers are made for the properties within the required initial offer period, the properties may be disposed of by the method provided in (b) of this subsection; and

(b) Except as provided in (a) of this subsection, dispose of surplus properties subject to reversion under subsection (1) of this section by the method provided in RCW 79A.05.175, or allow the holder of the land or property to reimburse the commission for the release of the reversionary interest in the land. The reimbursement must equal the amount of the fair market value of the reversionary interest as determined by a qualified appraiser agreeable to the commission. Appraisal costs are borne by the local entity that holds title to the land.

(3) Any funds generated under ~~((a reimbursement under))~~ this section shall be deposited in the parkland acquisition account which is hereby created in the state treasury. Moneys in this account are to

be used solely for the purchase or acquisition of property for use as state park property by the commission, as directed by the legislature; all such funds shall be subject to legislative appropriation.

**Sec. 11.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to read as follows:

Whenever the commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land by the method provided in this section or by the method provided in RCW 79A.05.170. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All ~~((other such))~~ lands, which are suitable for affordable housing or for housing for special needs populations and are included in the inventory as required in section 12 of this act, must be offered for sale to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act). After the required initial offer period, if no purchase offers are made on behalf of an eligible organization that meets the requirements of RCW 43.63A.510(3) (as recodified by this act), the commission may consider offers from the general public, and these lands, along with all other lands, may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission, and all conveyance documents shall be executed by the governor. All such exchanges shall be accompanied by a transfer fee, to be set by the commission and paid by the other party to the transfer; such fee shall be paid into the parkland acquisition account established under RCW 79A.05.170. The commission may accept sealed bids, electronic bids, or oral bids at auction. Bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the park land acquisition account. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by the appraisals to the satisfaction of the commission. No sale or exchange of state park lands shall be made without the unanimous consent of the commission.

NEW SECTION. **Sec. 12.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) The commission shall identify and catalog real property that is no longer required for commission purposes, as described in RCW 79A.05.170 and 79A.05.175, and is suitable for the development of affordable housing for very low-income and low-income households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). The inventory must include the information required under RCW 43.63A.510(1) (as recodified by this act).

(2) Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) The commission shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The commission must include an updated listing of real property that has become available since the last update.

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 13.** RCW 79.11.005 and 2003 c 334 s 201 are each amended to read as follows:

(1) The department is authorized to sell ~~((any real property not designated or acquired as))~~ state forest lands ~~((, but))~~ as defined in RCW 79.02.010 and other lands acquired by the state, either in the name of the forest board, the forestry board, or the division of forestry, for administrative sites, lien foreclosures, or other purposes whenever it ((shall)) determines that the lands are no longer or not necessary for public use.

(2) Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in section 15 of this act, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act). After the required initial offer period, if no acceptable purchase offers are made on behalf of an eligible organization that meets the requirements of RCW 43.63A.510(3) (as recodified by this act), the department may consider offers from the general public and sales to the general public may be conducted under subsection (3) of this section. For all properties for sale not included in the inventory as required in section 15 of this act, the department may immediately consider offers from the general public and sales to the general public may be conducted under subsection (3) of this section.

(3) The sale of property to the general public may be made after public notice to the highest bidder for such a price as approved by the governor, but not less than the fair market value of the real property, plus the value of improvements thereon. Any instruments necessary to convey title must be executed by the governor in a form approved by the attorney general.

~~((3))~~ (4) All amounts received from ~~((the sale))~~ all sales must be credited to the fund of the department of government that is responsible for the acquisition and maintenance of the property sold.

**Sec. 14.** RCW 79.22.060 and 2003 c 334 s 221 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, with the approval of the board, the department may directly transfer or dispose of state forest lands without public auction, if such lands consist of ten contiguous acres or less, or have a value of twenty-five thousand dollars or less. Such disposal may only occur in the following circumstances:

- (a) Transfers in lieu of condemnation; and
- (b) Transfers to resolve trespass and property ownership disputes.

(2) Property suitable for affordable housing or for housing for special needs populations, which is included in the inventory as required in section 15 of this act, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act). After the required initial offer period, if no purchase offers are made on behalf of an eligible organization that meets the requirements of

RCW 43.63A.510 (as recodified by this act), the property may be transferred or sold as described in subsection (1) of this section.

~~((3))~~ (3) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

~~((4))~~ (4) The proceeds from real property transferred or disposed of under this section shall be deposited into the park land trust revolving fund and be solely used to buy replacement land within the same county as the property transferred or disposed.

**NEW SECTION. Sec. 15.** A new section is added to chapter 43.30 RCW to read as follows:

(1) The department of natural resources shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income and low-income households or for housing for special needs populations as defined in RCW 43.63A.510 (as recodified by this act). The inventory must include the information required under RCW 43.63A.510(1) (as recodified by this act).

(2) Property for sale, which is suitable for affordable housing or for housing for special needs populations and is included in the inventory as required in subsection (1) of this section, must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) (as recodified by this act).

(3) The department shall regularly purge the inventory of real property of sites that are no longer available for the development of affordable housing or for housing for special needs populations. The department shall include an updated listing of real property that has become available since the last update.

(4) Records of all sales of properties included in the inventory must be maintained as required in RCW 43.63A.510(4) (as recodified by this act).

(5) As used in this section, "real property" means buildings, land, or buildings and land.

**Sec. 16.** RCW 28A.335.120 and 2006 c 263 s 913 are each amended to read as follows:

(1) Except as provided under subsections (2) and (3) of this section, the board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district with an enrollment of at least five thousand students proposes a sale of school district real property pursuant to this section and the property for sale is suitable for the development of affordable housing, for housing for special needs populations, or for the development of a community school, the property must be offered to eligible organizations as defined in RCW 43.63A.510 (as recodified by this act), as required in RCW 43.63A.510(3) and (5) (as recodified by this act). The boards of directors of school districts subject to this subsection have the sole authority to determine: (a) Whether or not property owned by the school district is surplus; (b) whether or not the property is suitable for the development of affordable housing for very low-income and low-income households, for housing for special needs

populations, or for a community school; and (c) what constitutes reasonable option and purchase conditions. If the property for sale is not suitable for the development of affordable housing, for housing for special needs populations, or for a community school, or if after the required initial offer period no reasonable and acceptable purchase offers are made on behalf of an eligible organization that meets the requirements of RCW 43.63A.510(3) (as recodified by this act), the property may be sold as described in subsection (1) of this section.

(3) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and if the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. School districts with an enrollment of at least five thousand students intending to sell the property under this subsection must do so pursuant to the requirements under subsection (2) of this section. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

~~((4))~~ (4) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

~~((5))~~ (5) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

~~((6))~~ (6) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

~~((7))~~ (7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

~~((8))~~ (8) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale

on contract terms, a real estate sales contract may be executed between the district and buyer.

**NEW SECTION. Sec. 17.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 18.** RCW 43.63A.510 is recodified as a new section in chapter 43.31 RCW.

**NEW SECTION. Sec. 19.** The code reviser shall alphabetize the definitions in RCW 43.63A.510(2) (as recodified by this act).

**NEW SECTION. Sec. 20.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

The amendment 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.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1332.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1332 and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire,

Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump and Warnick - 29.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2468, By Representatives Van De Wege, Warnick, Blake, Dickerson, Linville, Upthegrove, McCoy, Hinkle, Appleton, Lantz, Ormsby, McIntire, Roberts, Kenney, Hudgins, Loomis, Kretz, Kagi and Chase; by request of Department of Natural Resources**

**Authorizing the department of natural resources to establish an inventory, conduct an assessment, and develop recommendations to improve community and urban forest conditions in Washington state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2468 was substituted for House Bill No. 2468 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2468 was read the second time.

Representative Van De Wege moved the adoption of amendment (1221):

On page 2, line 1, after "urban forests." insert "Management and maintenance of community and urban forests requires recognition of, and cooperation with, public works and utilities department vegetation management programs created to prevent vegetation from interfering with or damaging public facilities and utilities."

Representatives Van De Wege and Kretz spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Van De Wege moved the adoption of amendment (1174):

On page 2, beginning on line 19, strike all of sections 2 and 3 and insert the following:

"**Sec. 2.** RCW 76.15.020 and 1991 c 179 s 4 are each amended to read as follows:

(1) The department (~~(may)~~) shall establish and maintain a program in community and urban forestry to accomplish the purpose stated in RCW 76.15.007. The department may assist municipalities and counties in establishing and maintaining community and urban forestry programs and encourage persons to engage in appropriate and improved tree management and care.

(2) The department (~~(may)~~) shall advise, encourage, and assist municipalities, counties, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of community and urban forestry.

(3) The department may appoint a committee or council, in addition to the technical advisory committee created in section 3 of this act, to advise the department in establishing and carrying out a program in community and urban forestry.

(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for community and urban forestry programs and cooperative projects.

(5)(a) The department shall, in collaboration with educational institutions, municipalities, corporations, the technical advisory committee created in section 3 of this act, state and national service organizations, and environmental organizations, conduct a prioritized statewide inventory of community and urban forests.

(b) For purposes of efficiency, existing data and current inventory technologies must be utilized in the development of the inventory. Statewide data must be maintained and periodically updated by the department and made available to every municipality in the state.

(c) The criteria established for the statewide community and urban forest inventory must support the planning needs of local governments.

(d) The criteria for the statewide community and urban forest inventory may include but is not limited to: Tree size, species, location, site appropriateness, condition and health, contribution to canopy cover and volume, available planting spaces, and ecosystem, economic, social, and monetary value.

(e) In developing the statewide community and urban forest inventory, the department shall strive to enable Washington cities' urban forest managers to access carbon markets by working to ensure the inventory developed under this section is compatible with existing and developing urban forest reporting protocols designed to facilitate access to those carbon markets.

(6) The department shall, in collaboration with a statewide organization representing urban and community forestry programs, and with any statutorily required urban forestry stakeholder task force managed by the department of community, trade, and economic development, conduct an urban forest assessment and develop recommendations to the appropriate committees of the legislature to improve community and urban forestry in Washington.

(7) The inventory and assessment required in this section must be capable of supporting the adoption and implementation of urban forestry management plans and ordinances that may be developed by local governments.

(8) The department shall, in collaboration with municipalities, the technical advisory committee created in section 3 of this act, and a statewide organization representing urban and community forestry

programs, develop an implementation plan for the inventory and assessment of the community and urban forests in Washington.

(9)(a) The criteria and implementation plan for the statewide community and urban forest inventory and assessment required under this section must be completed by December 1, 2008. Upon the completion of the criteria and implementation plan's development, the department shall report the final product to the appropriate committees of the legislature. Subsequent annual reports must be submitted each December until the statewide assessment required under this section is complete.

(b) An initial inventory and assessment, consisting of the community and urban forests of the willing municipalities located in one county located east of the crest of the Cascade mountains and the willing municipalities located in one county located west of the crest of the Cascade mountains must be completed by June 1, 2010.

NEW SECTION. Sec. 3. A new section is added to chapter 76.15 RCW to read as follows:

(1) The commissioner of public lands shall appoint a technical advisory committee to provide advice to the department during the development of the criteria and implementation plan for the statewide community and urban forest inventory and assessment required under RCW 76.15.020.

(2) The technical advisory committee must include, but not be limited to, representatives from the following groups: Arborists; municipal foresters; educators; consultants; researchers; public works and utilities professionals; information technology specialists; and other affiliated professionals.

(3) The technical advisory committee members shall serve without compensation. Advisory committee members who are not state employees may receive reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060. Costs associated with the technical advisory committee may be paid from the general fund appropriation made available to the department for community and urban forestry.

(4) The technical advisory committee created in this section must be disbanded by the commissioner of public lands upon the completion of the criteria and implementation plan for the statewide community and urban forest inventory and assessment required under RCW 76.15.020.

**Sec. 4.** RCW 76.15.010 and 2000 c 11 s 15 are each amended to read as follows:

(Unless the context clearly requires otherwise,)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community and urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Community and urban forest land may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas.

(2) "Community and urban forest assessment" means an analysis of the community and urban forest inventory to establish the scope and scale of forest-related benefits and services, the economic valuation of such benefits, highlight trends and issues of concern, identify high priority areas to be addressed, outline strategies for addressing the critical issues and urban landscapes, and identify opportunities for retaining trees, expanding forest canopy, and planting additional trees to sustain Washington's urban and community forests.

(3) "Community and urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of a community and urban forest. A community and urban forest inventory may evaluate individual trees or groups of trees or canopy cover within community and urban forests, and must be periodically updated by the department of natural resources.

(4) "Community and urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under forest conditions within municipalities and counties.

~~((3))~~ (5) "Department" means the department of natural resources.

~~((4))~~ (6) "Municipality" means a city, town, port district, public school district, community college district, irrigation district, weed control district, park district, or other political subdivision of the state.

~~((5))~~ (7) "Person" means an individual, partnership, private or public municipal corporation, Indian tribe, state entity, county or local governmental entity, or association of individuals of whatever nature."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representative Van De Wege moved the adoption of amendment (1222) to amendment (1174):

On page 1, line 12 of the amendment, after "entities: insert ":(a)"

On page 1, line 14 of the amendment, after "forestry" insert ":(a) and (b) in the recognition of, and for opportunities for cooperation with, public works and utilities department vegetation management programs created for the prevention of vegetation interfering with or damaging public facilities and utilities"

On page 4, after line 29 of the amendment, insert the following:  
"Sec. 5. RCW 76.15.007 and 1991 c 179 s 2 are each amended to read as follows:

The purpose of this chapter is to:

(1) Encourage planting and maintenance and management of trees in the state's municipalities and counties and maximize the potential of tree and vegetative cover in improving the quality of the environment.

(2) Encourage the coordination of state and local agency activities and maximize citizen participation in the development and implementation of community and urban forestry-related programs.

(3) Foster healthy economic activity for the state's community and urban forestry-related businesses through cooperative and supportive contracts with the private business sector.

(4) Facilitate the creation of employment opportunities related to community and urban forestry activities including opportunities for inner city youth to learn teamwork, resource conservation, environmental appreciation, and job skills.

(5) Provide meaningful voluntary opportunities for the state's citizens and organizations interested in community and urban forestry activities.

(6) Facilitate recognition of, and cooperation with, public works and utilities department vegetation management programs created for the prevention of vegetation interfering with or damaging public facilities and utilities."

Representative Van De Wege spoke in favor of the adoption of the amendment to amendment (1174):

The amendment to amendment (1174) was adopted.

Amendment (1174) 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 Van De Wege and Kretz spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2468.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2468 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2468, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2533, By Representatives McCoy, Chase and Quall**

**Concerning attachments to utility poles of locally regulated utilities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2533 was substituted for House Bill No. 2533 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2533 was read the second time.

Representative McCoy moved the adoption of amendment (1217):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the policy of the state to encourage the joint use of utility poles and to promote competition for the provision of telecommunications and information services. In order to achieve these two objectives, the legislature intends to establish a consistent formula for calculating pole attachment rates, which will ensure greater predictability and consistency in pole attachment rates statewide. The legislature further intends to continue working through issues related to pole attachments with interested parties in an open and collaborative process in order to minimize the potential for disputes going forward.

**Sec. 2.** RCW 54.04.045 and 1996 c 32 s 5 are each amended to read as follows:

(1) As used in this section:

(a) "Attachment" means the affixation or installation of any wire, cable, or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Licensee" means any person, firm, corporation, partnership, company, association, joint stock association, or cooperatively organized association, which is authorized to construct attachments upon, along, under, or across public ways.

(c) "Locally regulated utility" means a public utility district not subject to rate or service regulation by the utilities and transportation commission.

~~((e))~~ (d) "Nondiscriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of ~~((persons))~~ licensees approved for attachments.

(2) All rates, terms, and conditions made, demanded, or received by a locally regulated utility for attachments to its poles must be just, reasonable, nondiscriminatory, and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) A just and reasonable rate must be calculated as follows:

(a) One-half of the rate consists of the additional costs of procuring and maintaining pole attachments, but may not exceed the actual capital and operating expenses of the locally regulated utility attributable to that portion of the pole, duct, or conduit used for the pole attachment, including a share of the required support and clearance space, in proportion to the space used for the pole attachment, as compared to all other uses made of the subject facilities and uses that remain available to the owner or owners of the subject facilities; and

(b) One-half of the rate consists of the additional costs of procuring and maintaining pole attachments, but may not exceed the actual capital and operating expenses of the locally regulated utility attributable to the share of the required support and clearance space, divided equally among all attachers, which sum is divided by the height of the pole.

(4) The locally regulated utility may establish a rate according to the calculation outlined in subsection (3) of this section or it may establish a rate according to the cable formula set forth by the federal communications commission by rule as it existed on the effective date of this section, or such subsequent date as may be provided by the federal communications commission by rule, consistent with the purposes of this section.

(5) Except in extraordinary circumstances, a locally regulated utility must respond to a licensee's application to enter into a new pole attachment contract or renew an existing pole attachment contract within forty-five days of receipt, stating either:

(a) The application is complete; or

(b) The application is incomplete, including a statement of what information is needed to make the application complete.

(6) Within sixty days of an application being deemed complete, the locally regulated utility shall notify the applicant as to whether the application has been accepted for licensing or rejected. If the application is rejected, the locally regulated utility must provide reasons for the rejection. A request to attach may only be denied on a nondiscriminatory basis (a) where there is insufficient capacity; or (b) for reasons of safety, reliability, and generally applicable engineering purposes.

(7) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities."

Correct the title.

Representatives McCoy and Crouse spoke in favor of the adoption of the amendment.

The amendment 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 McCoy, Crouse and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2533.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2533 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell,

Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Van De Wege - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2533, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3025, By Representatives Fromhold, Conway, Crouse, Hurst and Kenney; by request of Select Committee on Pension Policy**

**Authorizing the higher education coordinating board to offer higher education annuities and retirement income plans.**

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 Fromhold and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3025.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3025 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 3025, having received the necessary constitutional majority, was declared passed.

**ENGROSSED HOUSE BILL NO. 3142, By Representatives Liias, Chase, Walsh, Ericks, Loomis, Miloscia, Rolfes, Linville, Dickerson, Green, Morrell, Kelley, Wood, Nelson, Santos and Ormsby**

**Creating the affordable housing and community facilities rapid response loan program.**

The bill was read the second time.

Representative Liias moved the adoption of amendment (1182):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.185A.110 and 2007 c 428 s 2 are each amended to read as follows:

(1) The affordable housing land acquisition revolving loan fund program is created in the department to assist eligible organizations, described under RCW 43.185A.040, to purchase land for affordable housing development. The department shall contract with the Washington state housing finance commission to administer the affordable housing land acquisition revolving loan fund program. Within this program, the Washington state housing finance commission shall establish and administer the Washington state housing finance commission land acquisition revolving loan fund.

(2) As used in this chapter, "market rate" means the current average market interest rate that is determined at the time any individual loan is closed upon using a widely recognized current market interest rate measurement to be selected for use by the Washington state housing finance commission with the department's approval. This interest rate must be noted in an attachment to the closing documents for each loan.

(3) Under the affordable housing land acquisition revolving loan fund program:

(a) Loans may be made to purchase land on which to develop affordable housing. In addition to affordable housing, facilities intended to provide supportive services to affordable housing residents and low-income households in the nearby community may be developed on the land.

(b) Eligible organizations applying for a loan must include in the loan application a proposed affordable housing development plan indicating the number of affordable housing units planned, a description of any other facilities being considered for the property, and an estimated timeline for completion of the development. The

Washington state housing finance commission may require additional information from loan applicants and may consider the efficient use of land, project readiness, organizational capacity, and other factors as criteria in awarding loans.

(c) Forty percent of the loans shall go to eligible applicants operating homeownership programs for low-income households in which the households participate in the construction of their homes. Sixty percent of loans shall go to other eligible organizations. If the entire forty percent for applicants operating self-help homeownership programs cannot be lent to these types of applicants, the remainder shall be lent to other eligible organizations.

(d) Within five years of receiving a loan, a loan recipient must present the Washington state housing finance commission with an updated development plan, including a proposed development design, committed and anticipated additional financial resources to be dedicated to the development, and an estimated development schedule, which indicates completion of the development within eight years of loan receipt. This updated development plan must be substantially consistent with the development plan submitted as part of the original loan application as required in (b) of this subsection.

(e) Within eight years of receiving a loan, a loan recipient must develop affordable housing on the property for which the loan was made and place the affordable housing into service.

(f) A loan recipient must preserve the affordable rental housing developed on the property acquired under this section as affordable housing for a minimum of thirty years.

(4) If a loan recipient does not place affordable housing into service on a property for which a loan has been received under this section within the eight-year period specified in subsection (3)(e) of this section, or if a loan recipient fails to use the property for the intended affordable housing purpose consistent with the loan recipient's original affordable housing development plan, then the loan recipient must pay to the Washington state housing finance commission an amount consisting of the principal of the original loan plus compounded interest calculated at the current market rate. The Washington state housing finance commission shall develop guidelines for the time period in which this repayment must take place, which must be noted in the original loan agreement. The Washington state housing finance commission may grant a partial or total exemption from this repayment requirement if it determines that a development is substantially complete or that the property has been substantially used in keeping with the original affordable housing purpose of the loan. Any repayment funds received as a result of noncompliance with loan requirements shall be deposited into the Washington state housing finance commission land acquisition revolving loan fund for the purposes of the affordable housing land acquisition revolving loan fund program.

(5) The Washington state housing finance commission, with approval from the department, may adopt guidelines and requirements that are necessary to administer the affordable housing land acquisition revolving loan fund program.

(6) Interest rates on property loans granted under this section may not exceed one percent. All loan repayment moneys received shall be deposited into the Washington state housing finance commission affordable housing land acquisition revolving loan fund for the purposes of the affordable housing land acquisition revolving loan fund program.

(7) The Washington state housing finance commission must develop performance measures for the program, which must be approved by the department, including, at a minimum, measures related to:

(a) The ability of eligible organizations to access land for affordable housing development;

(b) The total number of dwelling units by housing type and the total number of (~~very~~) low-income households and persons served; and

(c) The financial efficiency of the program as demonstrated by factors, including the cost per unit developed for affordable housing units in different areas of the state and a measure of the effective use of funds to produce the greatest number of units for low-income households.

(8) By December 1st of each year, beginning in 2007, the Washington state housing finance commission shall report to the department and the appropriate committees of the legislature using, at a minimum, the performance measures developed under subsection (7) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 43.185A RCW to read as follows:

(1) The affordable housing and community facilities rapid response loan program is created in the department to assist eligible organizations described under RCW 43.185A.040, which includes nonprofit organizations comprised of residents of manufactured/mobile home communities, to purchase land or real property for affordable housing and community facilities preservation or development in rapidly gentrifying neighborhoods or communities with a significant low-income population that is threatened with displacement by such gentrification.

(2) Loans or grants may be made through the affordable housing and community facilities rapid response loan program to purchase land or real property for the preservation or development of affordable housing or community facilities, including reasonable costs and fees.

(3) The department may adopt guidelines and requirements that are necessary to administer the affordable housing and community facilities rapid response loan program.

(4) A loan recipient must preserve affordable rental housing acquired or developed under this section as affordable housing for a minimum of thirty years.

(5) Interest rates on loans made under this section may be as low as zero percent but may not exceed three percent. All loan repayment moneys received must be deposited into a program account established by the department for the purpose of making new loans and grants under this section.

(6) By December 1st of each year, beginning in 2008, the department shall report to the appropriate committees of the legislature: The number of loans and grants that were made in the program; for what purposes the loans and grants were made; to whom the loans and grants were made; and when the loans are expected to be paid back.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 2 of this act, referencing this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, section 2 of this act is null and void."

Correct the title.

Representatives Liias and McDonald spoke in favor of the adoption of the amendment.

The amendment 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 Liias, McDonald and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3142.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3142 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED HOUSE BILL NO. 3142, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 3206, By Representatives Kenney, Haler, Rolfes and Santos**

**Concerning the information required to be reported in the annual economic impact report on lodging tax revenues.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3206 was substituted for House Bill No. 3206 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3206 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 Kenney and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3206.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3206 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Roberts - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 3206, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 3059, By Representatives Hudgins, Hasegawa and Roberts**

**Requiring coverage for lead blood level assessments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3059 was substituted for House Bill No. 3059 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3059 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 and Sump spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3059.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3059 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 3059, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2609, By Representatives McIntire and Condotta

#### Concerning the use of digital image technology in property revaluation plans.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2609 was substituted for House Bill No. 2609 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2609 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 McIntire and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2609.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2609 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Ericksen - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2609, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2792, By Representatives Wood, Condotta, Grant, Conway and Quall

#### Relating to computing breaks in the parimutuel system.

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 Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2792.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2792 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 2792, having received the necessary constitutional majority, was declared passed.

**ENGROSSED HOUSE BILL NO. 3230, By Representatives Conway, Darneille and Flannigan**

**Changing the public notification and hearing requirements for permits issued under the shoreline management act.**

The bill was read the second time.

Representative Darneille moved the adoption of amendment (1163):

On page 2, line 21, after "must" insert ", within five days,"

On page 2, line 25, after "repair," insert "lay berthing,"

On page 3, line 6, after "must" insert ", at least thirty days before determining that the application is complete,"

On page 3, line 8, "repair," insert "lay berthing,"

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

The amendment 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 Darneille and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3230.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 3230 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED HOUSE BILL NO. 3230, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2635, By Representative Quall**

**Regarding school district boundaries and organization.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2635 was substituted for House Bill No. 2635 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2635 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 Quall and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2635.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2635 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2635, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3012, By Representatives Ross, Lantz, Rodne and Williams**

**Regarding estate distribution documents.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3012 was substituted for House Bill No. 3012 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3012 was read the second time.

Representative Ross moved the adoption of amendment (1084):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.295.010 and 2007 c 67 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) "Market" or "marketing" includes every offer, contract, or agreement to prepare or gather information for the preparation of, or

to provide, individualized advice about an estate distribution document.

(2) "Estate distribution document" means any one or more of the following documents, instruments, or writings prepared, or intended to be prepared, for a specific person or as marketing materials for distribution to any person, other than documents, instruments, writings, or marketing materials relating to a payable on death account established under RCW 30.22.040(9) or a transfer on death account established under chapter 21.35 RCW:

(a) Last will and testament or any writing, however designated, that is intended to have the same legal effect as a last will and testament, and any codicil thereto;

(b) Revocable and irrevocable inter vivos trusts and any instrument which purports to transfer any of the trustor's current and/or future interest in real or personal property thereto;

(c) Agreement that fixes the terms and provisions of the sale of a decedent's interest in any real or personal property at or following the date of the decedent's death.

(3) "Financial institution" means a bank holding company registered under federal law, ((or)) a bank, trust company, mutual savings bank, savings bank, savings and loan association or credit union organized under state or federal law, or any affiliate, subsidiary, officer, or employee of a financial institution.

(4) "Person" means any natural person, corporation, partnership, limited liability company, firm, or association."

Correct the title.

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

The amendment 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 Rodne and Lantz spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3012.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3012 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville,

Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2675, By Representatives Hasegawa and Chase**

**Providing for a property tax exemption for the administrative offices of certain nonprofit organizations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2675 was substituted for House Bill No. 2675 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2675 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 Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2675.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2675 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2675, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2470, By Representatives Upthegrove, Dickerson, Hinkle, Van De Wege, Kenney, Kretz, Chase and Warnick; by request of Department of Natural Resources**

**Clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned aquatic lands.**

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 Upthegrove and Sump spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2470.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2470 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 2470, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2575, By Representatives Simpson, Ormsby and Wood**

**Forming a technical advisory group on fire sprinkler systems in private residences.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2575 was substituted for House Bill No. 2575 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2575 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 Simpson and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2575.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2575 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Dunn and Ericksen - 2.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2575, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2626, By Representatives Van De Wege, Kessler, Blake, Takko, DeBolt, Ormsby, Roberts, Kenney, Morrell, Simpson and Chase**

**Authorizing the governor to suspend the waiting week for individuals who are unemployed because of an emergency or disaster.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2626 was substituted for House Bill No. 2626 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2626 was read the second time.

Representative Van De Wege moved the adoption of amendment (1216):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The employment security department shall conduct a study of options for suspending the waiting period requirement for individuals who are unemployed because of an emergency or disaster, and shall examine ways to mitigate the impacts, if any, of these options on the unemployment compensation system. The employment security department shall also forward information provided by the military department about other means of providing assistance to individuals impacted by an emergency or disaster. The employment security department shall report on its study to the appropriate committees of the legislature by December 1, 2008."

Representative Van De Wege spoke in favor of the adoption of the amendment.

The amendment 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 Van De Wege and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2626.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2626 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2901, By Representatives Springer, Orcutt, Ormsby, Wallace, Sells, Roberts, Kelley, Santos and Goodman**

**Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations.**

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 Springer and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2901.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2901 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 2901, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2904, By Representatives Haler and Hailey**

**Prohibiting county and city incumbent candidates from appearing on publicly funded television during the election.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2904 was substituted for House Bill No. 2904 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2904 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 Haler and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2904.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2904 and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt,

Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Anderson, Chandler, Condotta, Crouse, Dunn, Herrera, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Roach, Schmick and Walsh - 14.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2904, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2602, By Representatives Kessler, Dickerson, Williams, O'Brien, Hurst, Lantz, Moeller, Hasegawa, Pedersen, Ormsby, Van De Wege, Conway, Goodman, Hudgins, Santos, Campbell, Upthegrove, Chase, Darneille, Barlow, Green and Simpson**

**Regarding employment leave for victims of domestic violence, sexual assault, or stalking.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2602 was substituted for House Bill No. 2602 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2602 was read the second time.

Representative Condotta moved the adoption of amendment (1223):

On page 2, beginning on line 14, after "(1)" strike all material through "RCW 49.78.020." on line 26 and insert "'Child" "department," "director," "employee," "employer," "intermittent leave," "reduced leave schedule," and "spouse" have the same meanings as in RCW 49.78.020.

(2) "Domestic violence" has the same meaning as in RCW 26.50.010.

(3) "Family member" means a spouse, parent, child, and persons jointly residing in the same household, whose interests are not adverse to the employee as it relates to domestic violence, sexual assault, and stalking.

(4) "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(5) "Sick leave and other paid time off" has the same meaning as in RCW 49.12.265."

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

On page 2, line 29, after "Sec. 3." strike "An" and insert "Subject to section 6 of this act, an"

On page 5, after line 34, insert the following:

**"NEW SECTION. Sec. 6.** Subject to section 4(1) through (3) of this act, an employee shall be entitled to a maximum of twelve workweeks of leave during any twelve-month period. This chapter does not create a right for an employee to take leave that exceeds the leave time allowed under, or is in addition to the leave time permitted by, the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) and chapter 49.78 RCW."

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

On page 5, line 35, after "(1)" strike "The" and insert "Subject to section 6 of this act, the"

On page 6, beginning on line 9, strike sections 7 through 12 and insert the following:

**"NEW SECTION. Sec. 7.** (1) It is unlawful for any employer to:

(a) Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this chapter; or

(b) Discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

(2) It is unlawful for any person to discharge or in any other manner discriminate against any individual because the individual has:

(a) Filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this chapter;

(b) Given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this chapter; or

(c) Testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this chapter.

(3) The department shall enforce this section by investigating complaints as provided for in RCW 49.78.310 and levying penalties if applicable under the provisions of RCW 49.78.320. An employer who violates this section may be subject to a civil action as provided in RCW 49.78.330."

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

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

Representative Conway spoke against the adoption of the amendment.

The amendment 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 Kessler and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2602.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2602 and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Armstrong, Chandler, Condotta, DeBolt, Dunn, Ericksen, Hinkle, Kretz, Newhouse, Orcutt, Ross, Schindler, Schmick and Warnick - 14.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2602, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2455, By Representatives Appleton, Hudgins, Hasegawa, McIntire, Nelson and Rolfes**

**Concerning the expiration of monetary value of fare media.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2455 was substituted for House Bill No. 2455 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2455 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 Appleton and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2455.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2455 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2455, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2690, By Representatives Cody, Hasegawa, Morrell, Green, McIntire and Simpson**

**Creating a mental health first aid course.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2690 was substituted for House Bill No. 2690 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2690 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.

Representative Cody spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2690.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2690 and the bill passed the House by the following vote: Yeas - 64, Nays - 31, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, Dunn, Eddy, Ericksen, Haler, Herrera, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Walsh and Warnick - 31.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2690, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2690.

BARBARA BAILEY, 10<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2690.

JAIME HERRERA, 18<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2690.

NORMA SMITH, 10<sup>th</sup> District

### SECOND READING

#### HOUSE BILL NO. 3186, By Representative Nelson

**Authorizing the creation of beach management districts.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3186 was substituted for House Bill No. 3186 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3186 was read the second time.

Representative Nelson moved the adoption of amendment (1208):

On page 2, beginning on line 24, after "(1)" strike all material through "90.58.030" on page 3, line 16, and insert the following:

"Beach management districts may be created for the purpose of controlling and removing aquatic plants or vegetation. These districts must develop a plan for these activities, in consultation with appropriate federal, state, and local agencies. The plan must include an element addressing nutrient loading from land use activities in a subbasin that is a tributary to the area targeted for management. The plan must be consistent with the action agenda approved by the Puget Sound partnership, where applicable.

(2) Plans for the control and removal of aquatic plants or vegetation must, to the greatest extent possible, meet the following requirements:

(a) Avoid or minimize the excess removal of living and nonliving nontarget native vegetation and organisms;

(b) Avoid or minimize management activities that will result in compacting beach sand, gravel, and substrate;

(c) Minimize adverse impacts to: (i) The project site when disposing of excessive accumulations of vegetation; and (ii) Other areas of the beach or deep water environment; and

(d) Retain all natural habitat features on the beach, including retaining trees, stumps, logs, and large rocks in their natural location.

(3) Seaweed removal under this section may only occur on the shore of a saltwater body that lies between the extreme low tide and the ordinary high water mark, as those terms are defined in RCW 90.58.030.

(4) The control or removal of native aquatic plants or vegetation shall be authorized in the following areas:

(a) Beaches or near shore areas located within at least one mile of a ferry terminal that are in a county with a population of one million or more residents; and

(b) Beaches or near shore areas in a city that meets the following:

(i) Is adjacent to Puget Sound;

(ii) Has at least eighty-five thousand residents;

(iii) Shares a common boundary with a neighboring county; and

(iv) Is in a county with a population of one million or more residents"

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

The amendment 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 Nelson and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3186.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3186 and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 85.

Voting nay: Representatives Anderson, Chandler, DeBolt, Dunn, Ericksen, Herrera, McCune, Orcutt, Rodne and Schmick - 10.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3186, having received the necessary constitutional majority, was declared passed.

### MESSAGES FROM THE SENATE

February 18, 2008

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100,  
 SUBSTITUTE SENATE BILL NO. 5628,  
 SUBSTITUTE SENATE BILL NO. 6060,  
 SENATE BILL NO. 6193,  
 SENATE BILL NO. 6204,  
 SECOND SUBSTITUTE SENATE BILL NO. 6206,  
 SUBSTITUTE SENATE BILL NO. 6246,  
 SUBSTITUTE SENATE BILL NO. 6264,  
 SUBSTITUTE SENATE BILL NO. 6295,  
 SUBSTITUTE SENATE BILL NO. 6307,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6308,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6333,

SUBSTITUTE SENATE BILL NO. 6340,  
 SUBSTITUTE SENATE BILL NO. 6341,  
 SUBSTITUTE SENATE BILL NO. 6343,  
 SUBSTITUTE SENATE BILL NO. 6400,  
 SENATE BILL NO. 6492,  
 SUBSTITUTE SENATE BILL NO. 6498,  
 SUBSTITUTE SENATE BILL NO. 6607,  
 SENATE BILL NO. 6677,  
 SENATE BILL NO. 6739,  
 ENGROSSED SENATE BILL NO. 6744,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6760,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,  
 SENATE BILL NO. 6799,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,  
 SENATE BILL NO. 6892,  
 SENATE BILL NO. 6950,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 18, 2008

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5343,  
 SECOND SUBSTITUTE SENATE BILL NO. 6227,  
 SUBSTITUTE SENATE BILL NO. 6241,  
 SUBSTITUTE SENATE BILL NO. 6277,  
 SUBSTITUTE SENATE BILL NO. 6337,  
 SUBSTITUTE SENATE BILL NO. 6347,  
 SUBSTITUTE SENATE BILL NO. 6514,  
 SUBSTITUTE SENATE BILL NO. 6711,  
 ENGROSSED SENATE BILL NO. 6745,  
 SUBSTITUTE SENATE BILL NO. 6770,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

### SECOND READING

#### HOUSE BILL NO. 3069, By Representative Wallace

#### Regulating driver improvement schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3069 was substituted for House Bill No. 3069 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3069 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.

Representative Wallace spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3069.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 3069 and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Alexander, Anderson, Chandler, Condotta, Crouse, Dunn, Ericksen, Hinkle, McCune, Orcutt, Ross, Schindler, Schmick and Warnick - 14.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 3069, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2713, By Representatives Seaquist, Hurst, Lantz, Pearson, Conway, Morrell, Miloscia, Priest, Kenney, Schual-Berke, Haler, McDonald, Loomis, Smith, Bailey, Kristiansen, Hudgins, McCune, Simpson, Van De Wege, Ericks, Kelley, Ormsby and Rolfes; by request of Governor Gregoire**

**Providing for broader collection of biological samples for the DNA identification of convicted sex offenders and other persons.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2713 was substituted for House Bill No. 2713 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2713 was read the second time.

With the consent of the House, amendment (1026) was withdrawn.

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

Representatives Seaquist, Pearson, Priest and O'Brien spoke in favor of the passage of the bill.

Representative Dickerson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2713.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2713 and the bill passed the House by the following vote: Yeas - 80, Nays - 15, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Condotta, Conway, Crouse, DeBolt, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Sullivan, Sump, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 80.

Voting nay: Representatives Cody, Darneille, Dickerson, Dunn, Goodman, Green, Kagi, Lantz, Nelson, Pedersen, Roberts, Santos, Springer, Takko and Upthegrove - 15.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2713, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (c) was suspended.

**SECOND READING**

**HOUSE BILL NO. 3303, By Representatives Grant, Walsh, Haler and Linville**

**Providing a business and occupation tax credit for qualified preproduction development expenditures for polysilicon manufacturers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3303 was substituted for House Bill No. 3303 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3303 was read the second time.

Representative Hunter moved the adoption of amendment (1250):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) In computing the tax imposed under this chapter, a manufacturer of polysilicon may claim a credit for its qualified preproduction development expenditures occurring after January 1, 2008.

(b) Any credits earned under this section must be accrued and carried forward and may not be used until July 1, 2009 and until a polysilicon manufacturer expends five hundred million dollars on a polysilicon manufacturing plant located in a county along the boundary line between Washington and Oregon with a population greater than fifty thousand but less than one hundred thousand. A polysilicon manufacturer may not claim a credit under this section in excess of one million dollars in any calendar year. Carryover credits may be used at any time after June 30, 2009, and may be carried over until used. Refunds may not be granted in the place of a credit.

(2) The credit is equal to the amount of qualified preproduction development expenditures, multiplied by the rate of seven and one-half percent.

(3) Credit earned on or after July 1, 2009, may be carried over until used. The credit claimed against taxes due for each calendar year must not exceed the amount of tax otherwise due under this chapter for the calendar year. Refunds may not be granted in the place of a credit.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Preproduction development" means: (A) Research, design, and engineering activities performed in relation to the development of a product or product line; (B) the design and engineering of the facility in which the product or product line will be manufactured; and (C) training of production employees where the training is directly related to the manufacturing of the product or product line.

(ii) The term "preproduction development" includes the discovery of technological information, the translating of technological information into new or improved products, processes, techniques, formulas, or inventions, and the adaptation of existing products into new products or derivatives of products or models. The term does not include manufacturing activities or other production-oriented activities other than tool design and engineering design for the manufacturing process and the training identified in (a)(i)(C) of this subsection (4). The term also does not include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

(b)(i) Except as provided in (ii) of this subsection (4)(b), "qualified preproduction development" means preproduction development performed in the field of polysilicon manufacturing in a county along the boundary line between Washington and Oregon with a population greater than fifty thousand but less than one hundred thousand.

(ii) "Qualified preproduction development" also includes preproduction development as defined in (a)(i)(B) of this subsection (4) occurring outside of this state in relation to a polysilicon manufacturing facility located, or to be located, in a county along the boundary line between Washington and Oregon with a population greater than fifty thousand but less than one hundred thousand.

(c) "Qualified preproduction development expenditures" means operating expenses including wages, benefits, supplies, and computer expenses directly incurred in qualified preproduction development by a person claiming the credit provided in this section. The term does not include amounts paid to a person or to the state or any of its departments or institutions, other than a public educational or research institution, to conduct preproduction development in the field of polysilicon manufacturing. The term also does not include capital costs and overhead, such as expenses for land, structures, or depreciable property. For purposes of this subsection (4)(c), capital costs do not include costs incurred for the design and engineering of a manufacturing facility as provided in (a)(i)(B) of this subsection (4).

(5) In addition to all other requirements under this title, a person claiming the credit under this section must report as required under RCW 82.32.545 and provide such additional information as the department may prescribe.

(6) Credit may not be claimed for expenditures for which a credit is claimed under RCW 82.04.4452.

(7) This section expires July 1, 2024.

**Sec. 2.** RCW 82.32.545 and 2007 c 54 s 19 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.260(11) or who claims an exemption or credit under RCW 82.04.4461, 82.08.980, 82.12.980, 82.29A.137, 84.36.655, ~~((and))~~ 82.04.4463, or section 1 of this act shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report shall not include names of employees. The report shall also detail employment by the total number of full-time, part-time, and temporary positions. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.260(11), or tax exemption or credit under RCW 82.04.4461, 82.08.980, 82.12.980, 82.29A.137, 84.36.655, ~~((and))~~ 82.04.4463, or section 1 of this act. The report is due by March 31st following any year in which a preferential tax rate under RCW 82.04.260(11) is used, or tax exemption or credit under RCW 82.04.4461, 82.08.980, 82.12.980, 82.29A.137, 84.36.655, ~~((and))~~ 82.04.4463, or section 1 of this act is taken. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted or credited, or reduced in the case of the preferential business and occupation tax rate, for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(3) By November 1, 2010, for chapter 1, Laws of 2003 2nd sp. sess., and by November 1, 2014, for section 1 of this act, and by November 1, ((2023)) 2022, for chapter 1, Laws of 2003 2nd sp. sess. and section 1 of this act, the ((fiscal committees of the house of representatives and the senate, in consultation with the department,)) joint legislative audit and review committee shall report to the legislature on the effectiveness of chapter 1, Laws of 2003 2nd sp. sess. and section 1 of this act in regard to keeping Washington competitive. The report shall measure the effect of chapter 1, Laws of 2003 2nd sp. sess. and section 1 of this act on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The reports shall include a discussion of principles to apply in evaluating whether the legislature should reenact any or all of the tax preferences in chapter 1, Laws of 2003 2nd sp. sess. and section 1 of this act. The department shall maintain information from the annual reports submitted under subsection (2) of this section necessary for the committee to prepare its reports under this subsection.

**NEW SECTION. Sec. 3.** If a port in a county along the boundary line between Washington and Oregon with a population greater than fifty thousand but less than one hundred thousand and a polysilicon manufacturer do not sign a memorandum of understanding to site a polysilicon manufacturing plant that is expected to cost at least five hundred million dollars by October 1, 2008, this act is null and void."

Correct the title.

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

The amendment 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 Grant, Walsh and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3303.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3303 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle,

Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3303, having received the necessary constitutional majority, was declared passed.

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

### SECOND READING

**HOUSE BILL NO. 2703, By Representatives Morris, Morrell and Hudgins**

**Encouraging energy efficiency.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2703 was substituted for House Bill No. 2703 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2703 was read the second time.

With the consent of the House, amendment (1226) was withdrawn.

Representative Morris moved the adoption of amendment (1248):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds and declares that meeting the state's future energy needs through conservation efforts, both large and small, is a priority. Small changes on the part of Washington consumers, such as switching from conventional, incandescent light bulbs to more efficient compact fluorescent bulbs, has the potential to save thousands of kilowatts of electricity each year. The legislature further finds that compact fluorescent bulbs are more efficient, last longer, emit less heat, and draw less current than conventional incandescent bulbs, which make them a safer and more cost-effective option for use in the home. The legislature finds that compact fluorescent bulbs and other types of general purpose lights

contain quantities of hazardous substances that may pose a threat to the health of citizens and to the environment if not handled and recycled properly.

(2) It is the intent of the legislature to encourage citizens to use energy efficient bulbs such as compact fluorescent bulbs and properly dispose of these bulbs at the end of their useful life. The legislature intends to establish a work group to make recommendations on how to recycle end-of-life general purpose lights generated in the state and educate consumers about proper management of general purpose lights.

**Sec. 2.** RCW 19.260.020 and 2006 c 194 s 1 are each amended to read as follows:

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

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with ~~((85))~~ eighty-five cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of community, trade, and economic development.

(8) "General purpose lights" means lamps, bulbs, tubes, or other electric devices that provide functional illumination for indoor residential, indoor commercial, and outdoor use. "General purpose lights" do not include any of the following specialty lighting: Appliance, black light, bug, colored, infrared, left-hand thread, marine, marine signal service, mine service, plant light, reflector,

rough service, shatter resistant, sign service, silver bowl, showcase, three-way, traffic signal, and vibration service or vibration resistant. "General purpose lights" also do not include lights needed to provide special needs lighting for individuals with exceptional needs.

~~((9))~~ (9) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

~~((9))~~ (10) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

~~((10))~~ (11) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

~~((11))~~ (12) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

~~((12))~~ (13) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

~~((13))~~ (14) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

~~((14))~~ (15)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

~~((15))~~ (16)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.

(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.

~~((16))~~ (17) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

~~((17))~~ (18) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

~~((H8))~~(19)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

**NEW SECTION. Sec. 3.** (1) The department of ecology, in consultation with the solid waste advisory committee created under RCW 70.95.040, shall convene a work group with representatives of the lighting industry, environmental organizations, fluorescent lamp retailers, waste haulers, lamp recyclers, and local governments to consider and make recommendations on the following issues:

(a) The most effective, cost-efficient, and convenient method for the consumer to provide for the proper collection and recycling of any end-of-life general purpose lights generated in this state;

(b) Methods to educate consumers about the proper management of and collection opportunities for end-of-life general purpose lights; and

(c) Designation on the general purpose light and light packaging regarding the proper recycling of the light.

(2) The department of ecology shall report its findings and recommendations for implementing and financing a recycling program for fluorescent lamps to the appropriate committees of the legislature by December 1, 2008.

(3) This section expires September 1, 2009."

Correct the title.

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment 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 Morris and Crouse spoke in favor of the passage of the bill.

Representative Dunn 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. 2703.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2703 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy,

Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2703, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3254, By Representatives Goodman, Pedersen, Simpson, Morrell, Green, Kelley, Kagi and Roberts**

**Concerning accountability for persons driving under the influence of intoxicating liquor or drugs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3254 was substituted for House Bill No. 3254 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3254 was read the second time.

Representative Pearson moved the adoption of amendment (1233):

On page 17, line 19, after "46.61.522;" strike "and"

On page 17, line 20, after "(b)" insert "The applicant has completed or agreed to complete an alcohol and drug assessment under sections 14 and 15 of this act. If the applicant has not completed an alcohol and drug assessment at the time he or she is applying for an ignition interlock license, the applicant must submit to the department proof of a completed assessment within thirty days of receiving an ignition interlock license; and (c)"

On page 17, line 25, after "driver," insert "or if the driver has not completed an alcohol and drug assessment within thirty days of receiving an ignition interlock license,"

On page 17, line 31, after "driver," insert "or evidence that the driver has completed an alcohol and drug assessment,"

On page 17, line 35, after "driver" insert "or upon submittal of evidence that the driver has completed an alcohol and drug assessment"

On page 33, after line 19, insert the following:

**"NEW SECTION. Sec. 14.** A new section is added to chapter 46.61 RCW to read as follows:

A person applying for an ignition interlock license under section 8 of this act or petitioning for a deferred prosecution under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 shall undergo an alcohol and drug assessment prepared by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The assessment shall be performed in accordance with section 15 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 70.96A RCW to read as follows:

(1) This section applies to alcohol and drug assessments conducted for persons applying for an ignition interlock license under section 8 of this act and persons charged with a violation of RCW 46.61.502 or 46.61.504 who are petitioning for a deferred prosecution under RCW 10.05.020. All such alcohol and drug assessments shall be performed in accordance with this section. If the person is convicted or petitions for a deferred prosecution, the assessment obtained under this section may, at the court's discretion, be used to satisfy the requirements for evaluations and assessments under RCW 46.61.5056 and 10.05.020.

(2) Every assessment shall be conducted by a chemical dependency professional certified by the department of health under chapter 18.205 RCW, by a chemical dependency professional trainee who is directly supervised by a supervisor approved under department of health rules, or by a probation assessment officer qualified under department of social and health services rules pursuant to RCW 46.61.516.

(3) An evaluation shall be made of a copy of the analysis of the client's blood alcohol level and other drug levels at the time of arrest, if available, and the client's self-reported driving record and a copy of the client's abstract of driving record. The evaluation must include a statement regarding the blood alcohol level and the client's self-reported driving record, and a clinical interpretative statement about the abstract of driving record that includes a fifteen-year history of all alcohol-related convictions and related offenses reduced to lesser offenses, and deferred prosecutions, and how they relate to the assessment and diagnosis.

(4) Within five days of a request by the certified chemical dependency professional or trainee conducting an assessment, the court shall provide the professional or trainee with a copy of the client's defendant case history. If the court does not provide the history, the certified chemical dependency professional or trainee shall obtain a release of information from the client to receive a summation of the client's defendant case history using the judicial information system. If the client's defendant case history is not obtained, the circumstances that prevented obtaining the history shall be described in the assessment.

(5) A copy of the police report shall be obtained in cases where the blood or breath alcohol concentration test was refused. If the police report was not reviewed in cases of refusal, circumstances preventing such efforts shall be included in the assessment.

(6) A drug screen shall be obtained in accordance with rules adopted by the department. Results are to be assessed and included

in the written assessment and recommendations. If a request for drug screen is refused, circumstances surrounding the refusal shall be described in the assessment.

(7) The department shall adopt rules to implement this section."

Renumber the remaining sections consecutively and correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

Representative Lantz moved the adoption of amendment (1120):

On page 17, line 19, after "46.61.522;" strike "and"

On page 17, line 20, after "(b)" insert "The applicant has completed or agreed to complete an alcohol and drug assessment under sections 14 and 15 of this act. If the applicant has not completed an alcohol and drug assessment at the time he or she is applying for an ignition interlock license, the applicant must submit to the department proof of a completed assessment within thirty days of receiving an ignition interlock license; and  
(c)"

On page 17, line 25, after "driver," insert "or if the driver has not completed an alcohol and drug assessment within thirty days of receiving an ignition interlock license,"

On page 17, line 31, after "driver," insert "or evidence that the driver has completed an alcohol and drug assessment,"

On page 17, line 35, after "driver" insert "or upon submittal of evidence that the driver has completed an alcohol and drug assessment"

On page 33, after line 19, insert the following:

**"NEW SECTION. Sec. 14.** A new section is added to chapter 46.61 RCW to read as follows:

A person applying for an ignition interlock license under section 8 of this act or petitioning for a deferred prosecution under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 shall undergo an alcohol and drug assessment prepared by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The assessment shall be performed in accordance with section 15 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 70.96A RCW to read as follows:

(1) This section applies to alcohol and drug assessments conducted for persons applying for an ignition interlock license under section 8 of this act and persons charged with a violation of RCW 46.61.502 or 46.61.504 who are petitioning for a deferred prosecution under RCW 10.05.020. All such alcohol and drug assessments shall be performed in accordance with this section. If the person is convicted or petitions for a deferred prosecution, the

assessment obtained under this section may, at the court's discretion, be used to satisfy the requirements for evaluations and assessments under RCW 46.61.5056 and 10.05.020.

(2) Every assessment shall be conducted by a chemical dependency professional certified by the department of health under chapter 18.205 RCW, by a chemical dependency professional trainee who is directly supervised by a supervisor approved under department of health rules, or by a probation assessment officer qualified under department of social and health services rules pursuant to RCW 46.61.516.

(3) An evaluation shall be made of a copy of the analysis of the client's blood alcohol level and other drug levels at the time of arrest, if available, and the client's self-reported driving record and a copy of the client's abstract of driving record. The evaluation must include a statement regarding the blood alcohol level and the client's self-reported driving record, and a clinical interpretative statement about the abstract of driving record that includes a fifteen-year history of all alcohol-related convictions and related offenses reduced to lesser offenses, and deferred prosecutions, and how they relate to the assessment and diagnosis.

(4) Within five days of a request by the certified chemical dependency professional or trainee conducting an assessment, the court shall provide the professional or trainee with a copy of the client's defendant case history. If the court does not provide the history, the certified chemical dependency professional or trainee shall obtain a release of information from the client to receive a summation of the client's defendant case history using the judicial information system. If the client's defendant case history is not obtained, the circumstances that prevented obtaining the history shall be described in the assessment.

(5) A copy of the police report shall be obtained in cases where the blood or breath alcohol concentration test was refused. If the police report was not reviewed in cases of refusal, circumstances preventing such efforts shall be included in the assessment.

(6) A drug screen shall be obtained in accordance with rules adopted by the department. Results are to be assessed and included in the written assessment and recommendations. If a request for drug screen is refused, circumstances surrounding the refusal shall be described in the assessment.

(7) The department shall adopt rules to implement this section."

Renumber the remaining sections consecutively and correct the title.

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

The amendment 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 Goodman and Rodne 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. 3254.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3254 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3254, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2592, By Representatives Morrell and Van De Wege**

#### **Modifying vendor overpayment provisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2592 was substituted for House Bill No. 2592 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2592 was read the second time.

Representative Morrell moved the adoption of amendment (1186):

On page 2, beginning on line 9, strike all of section 2.

Correct the title.

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

The amendment 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 Morrell and Alexander 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. 2592.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2592 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2647, By Representatives Dickerson, Hudgins, Hunt, Morrell, Pedersen, Williams, Cody, Green, Campbell, Van De Wege, Hasegawa, Roberts, Loomis, Upthegrove, Liias, Hunter, Chase, Smith, McIntire, Barlow, Conway, Priest, Schual-Berke, Simpson, Kenney, Goodman, Sells, Rolfes, Darneille and Lantz**

#### Regarding the children's safe products act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2647 was substituted for House Bill No. 2647 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2647 was read the second time.

With the consent of the House, amendments (1172) and (1191) were withdrawn.

Representative Darneille moved the adoption of amendment (1121):

Beginning on page 2, line 37, strike all of subsection (3) and insert the following:

"(3)(a) "Children's product" includes any of the following:

- (i) Toys;
- (ii) Children's cosmetics;
- (iii) Children's jewelry;
- (iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or
- (v) Child car seats.
- (b) "Children's product" does not include the following:
  - (i) Batteries with a voltage of 1.5 or less;
  - (ii) Slings and catapults;
  - (iii) Sets of darts with metallic points;
  - (iv) Toy steam engines;
  - (v) Bicycles;
  - (vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding 24 volts; and
  - (vii) Chemistry sets."

Representatives Darneille and Sump spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (1196) and (1255) were withdrawn.

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 Dickerson and Sump 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. 2647.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2647 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell,

Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2647, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2693, By Representatives Morrell, Darneille, Moeller, Hudgins, Eddy, Upthegrove, Campbell, McIntire, Conway, O'Brien, Simpson, Kenney, Wood and Sells**

**Regarding training and certification of long-term care workers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2693 was substituted for House Bill No. 2693 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2693 was read the second time.

Representative Morrell moved the adoption of amendment (1241):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

- (a) An underlying premise of Washington's long-term care system is the value of consumer choice across a full continuum of care with the right to accessible, quality care;
- (b) An appropriately trained and motivated long-term care workforce contributes to the quality of long-term care services;
- (c) The level and content of basic training should be focused upon the client with respect to client care needs, health status, choice, and flexibility;
- (d) There is a need for increased workforce diversity throughout the long-term care system;

- (e) Long-term care worker training should acknowledge cultural diversity and strive to achieve a greater understanding of the relationships between culture and health;

- (f) The long-term care workforce has diverse work-life expectations such as career advancement and quality job performance;

- (g) The long-term care workforce has variable learning styles, and can benefit from flexibility in training settings, modalities, accessibility, and methods;

- (h) Long-term care training should prepare workers and caregivers to perform in as many long-term care settings as possible with economic security and safety, but also should accommodate the interests of those workers who intend to care exclusively for their family members;

- (i) The care and support provided by unpaid long-term caregivers should not be disrupted, but enhanced and stabilized by any changes to long-term care training and credentialing; and

- (j) The long-term care workforce should be increased and enhanced to meet current and future needs. New policies and requirements should not result in decreasing the available workforce or the services available to consumers.

(2) The legislature intends to establish long-term care worker training standards that are consistent with the findings of subsection (1) of this section and to establish a credentialing program that will allow for career advancement in the long-term care work force.

**Sec. 2.** RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(6) "Department" means the department of social and health services.

(7) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

(8) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, including chemical

dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(9) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(10) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

(11)(a) "Long-term care workers" includes all persons who are ~~((long-term care workers for the elderly or))~~ paid to provide personal care services to persons with functional disabilities, including but not limited to individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities under Title 71 RCW, all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes, respite care providers, community residential service providers, and any other direct care worker providing home or community-based services to ((the elderly or)) persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include persons employed in nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers.

(12) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(13) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional limitations.

(14) "Secretary" means the secretary of social and health services.

~~((14))~~ (15) "Training partnership" means a joint partnership or trust established and maintained jointly by the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 to provide training~~((;))~~ and peer mentoring~~((, and examinations))~~ required under this chapter, and educational, career development, or other related services to individual providers.

~~((15))~~ (16) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.39A RCW to read as follows:

(1)(a) This section establishes the basic training requirements for long-term care workers initially contracted or employed on or after

January 1, 2010. Except as provided otherwise in this section, these long-term care workers must complete:

(i) Worker orientation under (b)(i) of this subsection before the worker has routine interaction with the person or persons the worker will be caring for; and

(ii) The remaining hours of basic training required in this section within one hundred twenty days after the date of the long-term care worker's initial contracting or employment as a long-term care worker unless the department, for good cause, extends the time period by up to sixty days.

(b) Basic training:

(i) Consists of thirty-five hours of classroom training on a set of modules covering the core knowledge and competencies that caregivers need to learn and understand to meet the needs of and to provide care effectively and safely to persons with functional disabilities. Basic training must include a worker orientation consisting of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions; and

(ii) Must be outcome-based, and the effectiveness of the training must be measured through the use of a competency test.

(2) Training standards and the delivery system for basic training must be relevant to the varied needs of persons served by long-term care workers and be sufficient to ensure that long-term care workers have the skills and knowledge necessary to provide high quality, appropriate care in a manner that respects the preferences of each person served. In an effort to improve the quality of training, increase access to training, and reduce costs, especially for rural communities, the classroom training provided in a coordinated system of long-term care training and education should include:

(a) The use of innovative learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department; and

(b) The use of varied adult learner strategies, such as opportunities to practice or demonstrate skills, role playing, and group discussions.

(3) As specified in this section, the following persons are fully or partially exempt from the basic training requirements of this section:

(a) As specified by the department in rule, registered nurses, licensed practical nurses, certified nursing assistants, medicare certified home health aides, or persons who hold a similar health certification or license. However, these persons must complete worker orientation training as described in subsection (1)(b)(i) of this section;

(b) Persons who successfully challenge the competency test for basic training. Such persons shall be deemed to have completed the relevant hours of basic training. However, these persons must complete worker orientation training as described in subsection (1)(b)(i) of this section;

(c) Long-term care workers employed by supportive living providers regulated under chapter 388-101 WAC who are subject to the training required in WAC 388-101-1680;

(d) Biological, step, or adoptive parents who are the individual provider for only their son or daughter who is developmentally disabled or functionally disabled, and persons who provide respite care on an intermittent basis to such son or daughter of a biological, step, or adoptive parent who is either an individual provider or an unpaid caregiver. However, these workers must complete: (i) Six hours of training relevant to the needs of adults with developmental disabilities and related functional disabilities, as appropriate; and (ii)

safety training, which may be completed using distance learning or other alternative methods of training. As used in this subsection, "intermittent basis" means care provided exclusively to one individual for not more than an average of twenty-four hours per month; and

(e) Long-term care workers who were initially contracted or employed as long-term care workers before January 1, 2010. However, these long-term care workers must complete all training requirements in effect before that date.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.39A RCW to read as follows:

(1)(a) The department shall develop qualification requirements for trainers and criteria for the approval of basic training programs under section 3 of this act. Only training curricula approved by the department may be used to fulfill the requirements of section 3 of this act.

(b)(i) The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve a curriculum based upon attestation by a boarding home administrator, an adult family home provider or resident manager, a home care agency administrator, or the administrator of the training partnership designated in RCW 74.39A.360 that the facility's, agency's, or training partnership's training curriculum addresses required training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department, or the department of health, as applicable, may conduct the review as part of the regularly scheduled inspection and investigation required under RCW 18.20.110, 70.128.090, or 70.127.100. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(ii) A facility, agency, or the training partnership with an approved curriculum must provide reports as required by the department on the long-term care workers who began training and those who completed training, and verifying that all long-term care workers required to do so have complied with all training requirements.

(c) Boarding homes, adult family homes, home care agencies, or other entities employing long-term care workers that desire to deliver facility or agency-based required basic training with facility or agency designated trainers, or facilities and agencies that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts.

(d) The department shall consult with the state board for community and technical colleges, the superintendent of public instruction, and the training partnership to ensure, to the extent possible, that long-term care worker training programs approved by the department assist with opportunities to articulate to relevant degree or skills programs offered in community colleges, vocational-technical institutes, skill centers, and secondary schools, as defined in chapter 28B.50 RCW.

(2) The department shall adopt rules by September 1, 2009, necessary to implement the training provisions of section 3 of this act. In developing rules, the department shall consult with the department of health, the nursing care quality assurance commission, adult family home providers, boarding home providers, in-home personal care providers, affected labor organizations, community and technical colleges, and long-term care consumers and other interested organizations.

**Sec. 5.** RCW 74.39A.340 and 2007 c 361 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, beginning January 1, 2010, long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. ((This requirement applies beginning on January 1, 2010.))

(2) This section does not apply to persons described in section 3(3)(d) of this act. However, this subsection does not prohibit requiring continuing education for such persons who elect to become registered or certified under chapter 18.-- RCW (the chapter created in section 31 of this act).

**Sec. 6.** RCW 74.39A.360 and 2007 c 361 s 6 are each amended to read as follows:

(1) Beginning January 1, 2010, for individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, all training and peer mentoring required under this chapter shall be provided by a training partnership. Contributions to the partnership pursuant to a collective bargaining agreement negotiated under this chapter shall be made beginning July 1, 2009. The training partnership shall provide reports as required by the department on the individual providers who began training and those who completed training, and verifying that all individual providers required to do so have complied with all training requirements. The exclusive bargaining representative shall designate the training partnership.

(2) The training partnership shall offer persons who are acting as unpaid informal caregivers for family members or friends the opportunity to attend training offered through the partnership at no cost to the individual caregiver or the state. Attendance opportunities may be limited to the extent that:

(a) There is fixed maximum seating or participation capacity for a training module that satisfies long-term care worker basic training or continuing education requirements under this chapter; and

(b) The maximum capacity for a particular training module is fully reserved twenty-four hours in advance of the scheduled date and time of the module.

**NEW SECTION. Sec. 7.** (1) The legislature finds that:

(a) It is in the public interest to promote quality long-term care services through registration for long-term care workers; and

(b) An additional level of credentialing for those long-term care workers who seek to increase their skills and knowledge or enter a health care professional career track will increase, stabilize, and enhance the long-term care workforce and further promote quality long-term care services.

(2) The legislature, therefore, intends to provide opportunities to increase skills and knowledge or to pursue a career track through certification and specialty endorsements, and potential articulation from long-term care worker certification to other health care credentialing or degrees.

**NEW SECTION. Sec. 8.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

(3) "Long-term care worker" has the same meaning as in RCW 74.39A.009. There are two levels of credentialed long-term care workers:

(a) "Registered long-term care worker" is an individual registered under this chapter; and

(b) "Certified long-term care worker" is an individual certified under this chapter.

(4) "Individual provider" has the same meaning as in RCW 74.39A.240.

(5) "Personal care services" has the same meaning as in RCW 74.39A.009.

(6) "Approved training program" means a program of not less than eighty-five hours of training that is approved by the secretary in consultation with the department of social and health services, the state board for community and technical colleges, and the superintendent of public instruction. The department shall ensure, to the extent possible, that long-term care worker training programs approved by the department assist with opportunities to articulate to relevant degree or skill programs offered in community colleges, vocational-technical institutes, skill centers, and secondary schools as defined in chapter 28B.50 RCW. A training program approved under this section may include, but is not limited to, the following elements:

(a) Basic training under section 3 of this act, which is a required element of an approved training program. For purposes of this subsection, a person who successfully challenges the competency test for basic training shall be deemed to have completed the relevant hours of basic training other than worker orientation training;

(b) Hours that individual providers spend with peer mentors under RCW 74.39A.330;

(c) Advanced training offered under RCW 74.39A.350;

(d) Up to ten hours spent being trained by the person to whom a worker is providing care regarding the person's caregiving preferences and needs;

(e) On-the-job training provided by the worker's employer, including specialty training required under RCW 18.20.270(5) and 70.128.230(5);

(f) Structured training in population or setting specific competencies that allow long-term care workers to acquire competencies unique to the persons they will be serving or the care setting in which they will be working;

(g) Attendance at relevant conferences sponsored by national or state professional associations, governmental agencies, or institutions of higher education; and

(h) Other structured or documented training approved by the secretary. For the purposes of this subsection, "documented training" means a written training program that describes the subject covered by the training, the methods by which the training is conducted, and the qualifications of the instructor.

(7) "Certification examination" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a long-term care worker.

**NEW SECTION. Sec. 9.** (1)(a) Registration under this chapter commences January 1, 2010. If the department determines that administrative capacities essential to implementation of long-term care worker registration under this chapter will not be fully functional by January 1, 2010, the department may defer the implementation date to no later than July 1, 2010.

(b) Except as provided otherwise in this chapter, long-term care workers contracted or employed on or after January 1, 2010, must register within one hundred twenty days after the date of the long-term care worker's initial contracting or employment as a long-term care worker, except that workers initially contracted or employed before January 1, 2010, must register within one hundred twenty days after January 1, 2010. However, the department, for good cause, may extend the one hundred twenty day time period by up to sixty days.

(2) Beginning January 1, 2012, long-term care workers may elect to be certified, with or without a specialty endorsement under section 14 of this act.

**NEW SECTION. Sec. 10.** (1) A registered or certified long-term care worker may provide direct, hands-on personal care services to persons with functional disabilities requiring long-term care services.

(2) No person may practice or, by use of any title or description, represent himself or herself as:

(a) A registered long-term care worker without being registered pursuant to this chapter; or

(b) A certified long-term care worker without applying for certification, meeting the qualifications, and being certified pursuant to this chapter.

**NEW SECTION. Sec. 11.** In addition to any other authority provided by law, the secretary has the authority to:

(1) Set all certification, registration, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(2) Establish forms, procedures, and examinations necessary to administer this chapter;

(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;

(4) Issue a registration to any applicant who has met the requirements for registration;

(5) Issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(6) Maintain the official record for the department of all applicants and persons with registrations and certificates;

(7) Exercise disciplinary authority as authorized in chapter 18.130 RCW;

(8) Deny registration to any applicant who fails to meet requirement for registration; and

(9) Deny certification to applicants who do not meet the education, training, competency evaluation, and conduct requirements for certification.

**NEW SECTION. Sec. 12.** The secretary shall issue a registration to any applicant who:

(1) Pays any applicable fees;

(2) Submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary; and

(3) Establishes, to the secretary's satisfaction, that:

(a) The applicant has successfully completed the basic training required under section 3 of this act. For purposes of this subsection, a person who successfully challenges the competency test for basic training shall be deemed to have completed the relevant hours of basic training other than worker orientation training;

(b) The applicant has completed any required background check; and

(c) There are no grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

**NEW SECTION. Sec. 13.** (1) The secretary shall issue a certificate to any applicant who:

(a) Pays any applicable fees;

(b) Submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary;

(c) Establishes to the secretary's satisfaction that:

(i) The applicant has successfully completed an approved training program;

(ii) The applicant has successfully completed a certification examination;

(iii) The applicant has completed any required background check; and

(iv) There exist no grounds for denial of certification under chapter 18.130 RCW.

(2) The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the requirements for certification shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(3) The examination must include both a skills demonstration and a written or oral knowledge test. Examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(4) The examination papers, all grading of the papers, and the grading of skills demonstration shall be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(5) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require such remedial education before the person may take future examinations.

(6) The certification examination must be administered and evaluated by the department or by a contractor to the department that is neither an employer of long-term care workers, a private contractor providing training services under this chapter or section 3 of this act, or the training partnership defined in RCW 74.39A.009.

**NEW SECTION. Sec. 14.** (1) A long-term care worker certified under this chapter may apply for a specialty endorsement in the specialty areas identified by the secretary in consultation with the department of social and health services. The secretary shall issue an endorsement to an applicant who:

(a) Completes the hours of training and practical experience required in rules adopted by the secretary for the relevant specialty endorsement;

(b) Pays any applicable fee; and

(c) Submits any other information as determined by the secretary.

(2) A certified long-term care worker who has been granted a specialty endorsement under this section may include the specialty in his or her title, as permitted under rules adopted by the secretary.

**NEW SECTION. Sec. 15.** An applicant holding a credential in another state may be certified in this state without examination if the secretary determines that the other state's credentialing standards for long-term care workers are substantially equivalent to the standards in this state.

**NEW SECTION. Sec. 16.** (1) Registrations and certifications shall be renewed according to administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.

(2) Completion of continuing education as required in RCW 74.39A.340 is a prerequisite to renewing a registration or certification under this chapter.

**NEW SECTION. Sec. 17.** (1) This chapter does not apply to:

(a) Registered nurses, licensed practical nurses, certified nursing assistants, medicare certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction that is recognized by the secretary as appropriate to specified personal care services circumstances;

(b) Biological, step, or adoptive parents who are the individual provider for only their son or daughter who is developmentally disabled or functionally disabled, and persons who provide respite care on an intermittent basis to such son or daughter of a biological, step, or adoptive parent who is either an individual provider or an unpaid caregiver. As used in this subsection, "intermittent basis" means the same as the definition in section 3(3)(d) of this act.

(2) Nothing in this chapter may be construed to prohibit or restrict:

(a) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(b) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(c) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(d) A registered or certified long-term care worker from accepting direction from a person who is self-directing his or her care; or

(e) A long-term care worker exempt under subsection (1) of this section from applying for registration or certification, subject to meeting the requirements for such application.

**NEW SECTION. Sec. 18.** (1) The uniform disciplinary act, chapter 18.130 RCW, governs unregistered or uncertified practice, issuance of certificates and registrations, and the discipline of persons registered or with certificates under this chapter. The secretary shall be the disciplinary authority under this chapter.

(2)(a) The secretary may take action to immediately suspend the registration or certification of a long-term care worker upon finding that conduct of the long-term care worker has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(b) If the secretary imposes suspension or conditions for continuation of a registration or certification, the suspension or conditions for continuation are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

**NEW SECTION. Sec. 19.** (1) The department shall adopt rules by September 1, 2009, necessary to implement the registration provisions of this chapter. In developing rules, the department shall consult with the department of social and health services, the nursing care quality assurance commission, adult family home providers, boarding home providers, in-home personal care providers, the training partnership defined in RCW 74.39A.009, affected labor

organizations, community and technical colleges, and long-term care consumers and other interested organizations.

(2)(a) The department shall also consult with these parties on a plan to implement the voluntary certification program under this chapter by January 1, 2012, in a cost-effective manner considering the following:

(i) The certification program should assist a long-term care worker to enter, if desired, a career path to other health care or allied health professions, including articulation, to the maximum extent possible under federal law, from long-term care worker certification to nursing assistant certification under chapter 18.88A RCW;

(ii) The department should consider the relative merits of certification and/or specialty endorsement examinations and of practical work experience for certification and/or specialty endorsements. If recommendations are made for practical work experience requirements, the department's plan should include recommendations on the hours and type of practical work experience that would be appropriate for the credential sought.

(b) The department shall report on the certification plan to the appropriate committees of the legislature by December 1, 2009.

**Sec. 20.** RCW 18.130.040 and 2007 c 269 s 17 and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;

(xxii) Recreational therapists; (~~and~~)

(xxiii) Animal massage practitioners certified under chapter 18.240 RCW; and

(xxiv) Long-term care workers registered or certified under chapter 18.-- RCW (the new chapter created in section 31 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 21.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter

does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
  - (ii) Naturopaths licensed under chapter 18.36A RCW;
  - (iii) Midwives licensed under chapter 18.50 RCW;
  - (iv) Ocularists licensed under chapter 18.55 RCW;
  - (v) Massage operators and businesses licensed under chapter 18.108 RCW;
  - (vi) Dental hygienists licensed under chapter 18.29 RCW;
  - (vii) Acupuncturists licensed under chapter 18.06 RCW;
  - (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
  - (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
  - (x) Persons registered under chapter 18.19 RCW;
  - (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
  - (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
  - (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
  - (xiv) Health care assistants certified under chapter 18.135 RCW;
  - (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
  - (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
  - (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
  - (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
  - (xix) Denturists licensed under chapter 18.30 RCW;
  - (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
  - (xxi) Surgical technologists registered under chapter 18.215 RCW;
  - (xxii) Recreational therapists;
  - (xxiii) Animal massage practitioners certified under chapter 18.240 RCW; ~~((and))~~
  - (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
  - (xxv) Long-term care workers registered or certified under chapter 18.-- RCW (the new chapter created in section 31 of this act).
- (b) The boards and commissions having authority under this chapter are as follows:
- (i) The podiatric medical board as established in chapter 18.22 RCW;
  - (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
  - (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;
  - (iv) The board of hearing and speech as established in chapter 18.35 RCW;
  - (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
  - (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 22.** RCW 74.39A.240 and 2002 c 3 s 3 are each amended to read as follows:

The definitions in this section apply throughout RCW 74.39A.030 and 74.39A.095 and 74.39A.220 through 74.39A.300, sections 3 and 23 of this act, 41.56.026, 70.127.041, and 74.09.740 unless the context clearly requires otherwise.

(1) "Authority" means the home care quality authority.

(2) "Board" means the board created under RCW 74.39A.230.

(3) "Consumer" means a person to whom an individual provider provides any such services.

(4) "Individual provider" means a person, including a personal aide, who has contracted with the department to provide personal care or respite care services to ~~((functionally disabled persons))~~ persons with functional disabilities under the medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

**NEW SECTION. Sec. 23.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall deny payment to any individual provider of home care services who does not complete the training requirements of section 3 of this act or obtain registration as a long-term care worker as specified in chapter 18.-- RCW (the new chapter created in section 31 of this act).

(2) The department may terminate the contract of any individual provider of home care services, or take any other enforcement

measure deemed appropriate by the department if the individual provider's registration or certification is revoked under chapter 18.--RCW (the new chapter created in section 31 of this act).

(3) The department may take action to immediately terminate the contract of an individual provider of home care services upon finding that conduct of the individual provider has caused or presents an imminent threat of harm to a functionally disabled person in their care.

(4) The department shall take appropriate enforcement action related to the contract or licensure of a provider of home and community-based services, other than an individual provider, who knowingly employs a long-term care worker who has failed to complete the training requirements of section 3 of this act or obtain registration as a long-term care worker as specified in chapter 18.--RCW (the new chapter created in section 31 of this act).

(5) Chapter 34.05 RCW shall govern department actions under this section.

**Sec. 24.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

~~(10) ((The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2002, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.~~

~~((11) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.~~

~~((12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training. In the rule-making process, the department shall adopt rules based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190.~~

~~((13)) The department shall establish, by rule, ((training,)) background checks((;)) and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.~~

~~((14)) ((11) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.~~

~~((15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that~~

~~assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.)~~

**Sec. 25.** RCW 70.127.100 and 2000 c 175 s 9 are each amended to read as follows:

Upon receipt of an application under RCW 70.127.080 for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. A license issued under this chapter shall not be transferred or assigned without thirty days prior notice to the department and the department's approval. A license, unless suspended or revoked, is effective for a period of two years, however an initial license is only effective for twelve months. The department shall conduct a survey within each licensure period, and may conduct a licensure survey after ownership transfer, to assure compliance with this chapter and the rules adopted under this chapter and under section 3 of this act, and to enforce section 23(4) of this act.

**Sec. 26.** RCW 18.20.110 and 2004 c 144 s 3 are each amended to read as follows:

(1) The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all boarding homes. However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter and section 3 of this act, and to enforce section 23(4) of this act. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records or reports described in RCW 18.20.390. Financial records of the boarding home may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident.

(2) Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department.

(3) The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

**Sec. 27.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any ~~((person))~~ long-term care worker who provides residents with hands-on personal care on behalf of a boarding home, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(c) "Long-term care worker" has the same meaning as defined in RCW 74.39A.009(11).

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All boarding home employees or volunteers who routinely interact with residents shall complete orientation. Boarding home administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education. Training of caregivers employed by boarding homes is governed by chapter 74.39A RCW. Any caregiver who has satisfied the training and competency testing requirements of section 3 of this act or the continuing education requirements of RCW 74.39A.340 shall be deemed to have satisfied, as applicable, the orientation, basic training, and continuing education requirements of this section.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate boarding home staff to all boarding home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. ~~((Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of September 1, 2002, whichever is later.))~~ Until ((competency in the core areas has been demonstrated, caregivers)) a caregiver provides verification that he or she has met the basic training requirements under section 3 of this act, a caregiver shall not provide hands-on personal care to residents without direct supervision. Boarding home administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later.

(5)(a) For boarding homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and

caregivers. Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs or within one hundred twenty days of September 1, 2002, whichever is later. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision. If training received by a caregiver under section 3 of this act involves core knowledge and skills to effectively and safely provide care to residents of the boarding home with special needs, the hours of training received by the caregiver shall apply toward meeting the specialty training requirements under this section. Boarding home administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days of September 1, 2002, or one hundred twenty days from the date on which the administrator or his or her designee is hired, whichever is later, if the boarding home serves one or more residents with special needs.

~~((6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter.))~~ (c) If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

~~((7))~~ (6) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

~~((8))~~ (7) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

~~((9))~~ (8) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

~~((10))~~ (9) The department shall develop criteria for the approval of orientation, basic training, and specialty training programs.

~~((11) Boarding homes that desire to deliver facility-based training with facility designated trainers, or boarding homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve~~

~~a curriculum based upon attestation by a boarding home administrator that the boarding home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled yearly inspection and investigation required under RCW 18.20.110. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.~~

~~(12) The department shall adopt rules by September 1, 2002, for the implementation of this section.~~

~~(13))~~ (10) The orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and shall be applied to (a) employees hired subsequent to September 1, 2002; and (b) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all applicable requirements of this section. ~~((However, prior to September 1, 2002, nothing in this section affects the current training requirements under RCW 74.39A.010.))~~

**Sec. 28.** RCW 70.128.090 and 2001 c 319 s 7 are each amended to read as follows:

(1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The personal records of the provider are not subject to department inspection nor is the separate bedroom of the provider, not used in direct care of a client, subject to review. The department may inspect all rooms during the initial licensing of the home. However, during a complaint investigation, the department shall have access to the entire premises and all pertinent records when necessary to conduct official business. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter or the rules adopted under this chapter or under section 3 of this act, or the department is enforcing section 23(4) of this act, serve a copy of the inspection report upon the provider at the same time as a notice of violation. This notice shall be mailed to the provider within ten working days of the completion of the inspection process. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten calendar days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

(3) The provider shall develop corrective measures for any violations found by the department's inspection. The department shall upon request provide consultation and technical assistance to assist the provider in developing effective corrective measures. The department shall include a statement of the provider's corrective measures in the department's inspection report.

**NEW SECTION. Sec. 29.** A new section is added to chapter 70.128 RCW to read as follows:

(1) Adult family homes may participate in a voluntary adult family home certification program through the University of

Washington geriatric education center. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program must complete fifty-two hours of class requirements as established by the University of Washington geriatric education center. Subjects covered by the class requirements must include: Specific age-related physical or mental health conditions that can be prevented, postponed, or alleviated by a health promotion intervention, how to establish health promotion programs in residential settings and communities, preventing falls, addressing health issues of aging families, and issues and health concerns of ethnic older adults and those with developmental disabilities.

(2) Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department.

(3) The department shall adopt rules implementing this section.

**Sec. 30.** RCW 70.128.120 and 2006 c 249 s 1 are each amended to read as follows:

Each adult family home provider and each resident manager shall have the following minimum qualifications, except that only providers are required to meet the provisions of subsection (10) of this section:

(1) Twenty-one years of age or older;

(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or general educational development (GED) certificate or any English or translated government documentation of the following:

(a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;

(b) A foreign college, foreign university, or United States community college two-year diploma;

(c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;

(d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;

(e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;

(3) Good moral and responsible character and reputation;

(4) Literacy in the English language(;-). However, a person not literate in the English language may meet the requirements of this subsection by assuring that there is a person on staff and available who is able to communicate or make provisions for communicating with the resident in his or her primary language and capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans;

(5) Management and administrative ability to carry out the requirements of this chapter;

(6) Satisfactory completion of department-approved basic training and continuing education training as specified by the department in rule, based on recommendations of the community long-term care training and education steering committee and working in collaboration with providers, consumers, caregivers,

advocates, family members, educators, and other interested parties in the rule-making process;

(7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;

(8) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842;

(9) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, at least three hundred twenty hours of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home; (~~and~~)

(10) Prior to being granted a license, providers applying after January 1, 2007, must complete a department-approved forty-eight hour adult family home administration and business planning class. The department shall promote and prioritize bilingual capabilities within available resources and when materials are available for this purpose; and

(11) Following licensure, completion annually of two hours of administrative continuing education administered by the department in collaboration with the adult family home advisory committee and taught by adult family home association providers with five or more years of experience, or by another entity as determined by the department. For the purpose of this subsection, "adult family home association" means an organized group of adult family home providers with a proven history of advocacy of at least five years with a sustained membership of at least one hundred members as approved by the department. Internet access and bilingual training materials shall be promoted and prioritized when available and appropriate. The department shall ensure balanced participation by the appointment of stakeholders equally between adult family home providers and consumers to the adult family home advisory committee.

**Sec. 31.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes all adult family home resident managers and any (~~person~~) long-term care worker who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(c) "Long-term care worker" has the same meaning as defined in RCW 74.39A.009(11).

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education. Training of caregivers employed by adult family homes is governed by chapter 74.39A RCW. Any caregiver who has satisfied the training and competency testing requirements of section 3 of this act or the continuing education requirements of RCW 74.39A.340 shall be deemed to have satisfied, as applicable, the orientation, basic training, and continuing education requirements of this section.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. ~~((Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of September 1, 2002, whichever is later:))~~ Until ~~((competency in the core areas has been demonstrated, caregivers))~~ a caregiver provides verification that he or she has satisfied the basic training requirements under section 3 of this act, a caregiver shall not provide hands-on personal care to residents without indirect supervision.

(5)(a) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers. Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by providers and resident managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

~~((6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter:))~~ If training received by a caregiver under section 3 of this act involves core knowledge and skills to effectively and safely provide care to residents of the adult family home with special needs, the hours of training received by the caregiver shall apply toward meeting the specialty training requirements under this section.

(c) If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

~~((7))~~ (6) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

~~((8))~~ (7) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

~~((9))~~ (8) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must

include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

~~((10) Adult family homes that desire to deliver facility-based training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult family home administrator that the adult family home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.~~

~~((11))~~ (9) The department shall adopt rules by September 1, 2002, for the implementation of this section.

~~((12))~~ (10) The orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, and shall be applied to (a) employees hired subsequent to September 1, 2002; or (b) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section. ~~((However, until September 1, 2002, nothing in this section affects the current training requirements under RCW 70.128.120 and 70.128.130:))~~

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

(1) RCW 18.20.230 (Training standards review--Proposed enhancements) and 1999 c 372 s 3 & 1998 c 272 s 2; and

(2) RCW 70.128.210 (Training standards review--Delivery system--Issues reviewed--Report to the legislature) and 1998 c 272 s 3.

NEW SECTION. Sec. 33. Sections 7 through 19 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 34. Section 20 of this act expires July 1, 2008.

NEW SECTION. Sec. 35. Section 21 of this act takes effect July 1, 2008.

NEW SECTION. Sec. 36. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Dunn moved the adoption of amendment (1258) to amendment (1241):

On page 6, line 7 of the amendment, after "(d)" insert "Long-term care workers employed by home care agencies licensed under chapter 70.127 RCW;  
(e)"

Renumber the subsections consecutively and correct any internal references accordingly.

On page 6, line 35 of the amendment, after "manager," strike "a home care agency administrator,"

On page 6, beginning on line 36 of the amendment, after "facility's" strike ", agency's,"

On page 7, line 5 of the amendment, after "18.20.110" strike ", 70.128.090, or 70.127.100" and insert "or 70.128.090"

On page 7, line 8 of the amendment, after "facility" strike ", agency,"

On page 7, line 13 of the amendment, after "family homes," strike "home care agencies,"

On page 7, beginning on line 15 of the amendment, strike all of lines 15 and 16 and insert "facility-based required basic training with facility designated trainers, or facilities that desire to"

On page 7, beginning on line 30 of the amendment, after "boarding home providers," strike "in-home personal care providers,"

On page 14, line 21 of the amendment, after "(b)" insert "Long-term care workers employed by home care agencies licensed under chapter 70.127 RCW;  
(c)"

On page 15, line 29 of the amendment, after "home providers," strike "in-home personal care providers,"

On page 25, beginning on line 33 of the amendment, strike all of section 25

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

Representative Dunn spoke in favor of the adoption of the amendment to amendment (1241).

Representative Cody spoke against the adoption of the amendment to amendment (1241).

The amendment to amendment (1241) was not adopted.

With the consent of the House, amendment (1259) was withdrawn.

Representatives Morrell and Wallace spoke in favor of the amendment (1241).

Representative Priest spoke against the adoption of amendment (1241).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (1241) to Engrossed Substitute House Bill No. 2693.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1241) to Engrossed Substitute House Bill No. 2693 and the amendment was adopted by the following vote: Yeas - 54, Nays - 41, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Campbell, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sommers, Springer, Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Chase, Condotta, Conway, Crouse, DeBolt, Dunn, Ericksen, Haigh, Haler, Hankins, Herrera, Hinkle, Kirby, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Sells, Simpson, Smith, Sullivan, Sump, Van De Wege, Walsh, Warnick and Williams - 41.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

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 Morrell and Hinkle 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. 2693.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2693 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle,

Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2864, By Representatives Ormsby, Wood, Barlow, Hasegawa and Simpson**

**Requiring the filing of certified payroll records on public works projects.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2864 was substituted for House Bill No. 2864 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2864 was read the second time.

With the consent of the House, amendment (1162) was withdrawn.

Representative Ormsby moved the adoption of amendment (1187):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.12.030 and 1989 c 12 s 9 are each amended to read as follows:

(1) The specifications for every contract for the construction, reconstruction, maintenance, or repair of any public work, to which the state or any county, municipality, or political subdivision created by its laws is a party, shall contain a provision stating the hourly minimum rate of wage, not less than the prevailing rate of wage, which may be paid to laborers, workers, or mechanics in each trade or occupation required for such public work employed in the performance of the contract either by the contractor, subcontractor or other person doing or contracting to do the whole or any part of the work contemplated by the contract, and the contract shall contain a stipulation that such laborers, workers, or mechanics shall be paid not less than such specified hourly minimum rate of wage.

(2) For purposes of compliance with this chapter, including identifying certified payroll records to be requested from a contractor or subcontractor, every contract for the construction, reconstruction,

maintenance, or repair of any public work, to which the state or any county, municipality, or political subdivision created by its laws is a party, must contain a provision requiring the general contractor to submit a list of all subcontractors that will supply any off-site prefabricated, nonstandard, project-specific products. The list must identify all products supplied, the name of each subcontractor, the employer identification number of each subcontractor, and each product's anticipated cost.

Sec. 2. RCW 39.12.040 and 2007 c 210 s 4 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a public works contract, it shall be the duty of the officer or person charged with the custody and disbursement of public funds to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer a "Statement of Intent to Pay Prevailing Wages". For a contract in excess of ten thousand dollars, the statement of intent to pay prevailing wages shall include:

~~((a))~~ (i) The contractor's registration certificate number; and  
~~((b))~~ (ii) The prevailing rate of wage for each classification of workers entitled to prevailing wages under RCW 39.12.020 and the estimated number of workers in each classification.

Each statement of intent to pay prevailing wages must be approved by the industrial statistician of the department of labor and industries before it is submitted to said officer.

(b) Unless otherwise authorized by the department of labor and industries, each voucher claim submitted by a contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the prefilled statement or statements of intent to pay prevailing wages on file with the public agency.

(c) For purposes of compliance with this chapter, including identifying certified payroll records to be requested from a contractor or subcontractor, for a public works project involving the off-site prefabrication of a nonstandard, project-specific product, before final acceptance of the project, the awarding agency must require the contractor or subcontractor of all such products to submit a list to the awarding agency and to the department of labor and industries. The list must be certified by the contractor or subcontractor and identify:  
(i) The contractor or subcontractor's name; (ii) the contractor or subcontractor's employer identification number; (iii) the contract or subcontract amount; (iv) the labor hours expended producing the product; and (v) hourly minimum rate of wages paid in each trade or occupation producing the product.

(d) Following the final acceptance of a public works project, it shall be the duty of the officer charged with the disbursement of public funds, to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer an "Affidavit of Wages Paid" before the funds retained according to the provisions of RCW 60.28.010 are released to the contractor. Each affidavit of wages paid must be certified by the industrial statistician of the department of labor and industries before it is submitted to said officer.

(2) As an alternate to the procedures provided for in subsection (1) of this section, for public works projects of two thousand five hundred dollars or less and for projects where the limited public works process under RCW 39.04.155(3) is followed:

(a) An awarding agency may authorize the contractor or subcontractor to submit the statement of intent to pay prevailing wages directly to the officer or person charged with the custody or disbursement of public funds in the awarding agency without

approval by the industrial statistician of the department of labor and industries. The awarding agency shall retain such statement of intent to pay prevailing wages for a period of not less than three years.

(b) Upon final acceptance of the public works project, the awarding agency shall require the contractor or subcontractor to submit an affidavit of wages paid. Upon receipt of the affidavit of wages paid, the awarding agency may pay the contractor or subcontractor in full, including funds that would otherwise be retained according to the provisions of RCW 60.28.010. Within thirty days of receipt of the affidavit of wages paid, the awarding agency shall submit the affidavit of wages paid to the industrial statistician of the department of labor and industries for approval.

(c) A statement of intent to pay prevailing wages and an affidavit of wages paid shall be on forms approved by the department of labor and industries.

(d) In the event of a wage claim and a finding for the claimant by the department of labor and industries where the awarding agency has used the alternative process provided for in subsection (2) of this section, the awarding agency shall pay the wages due directly to the claimant. If the contractor or subcontractor did not pay the wages stated in the affidavit of wages paid, the awarding agency may take action at law to seek reimbursement from the contractor or subcontractor of wages paid to the claimant, and may prohibit the contractor or subcontractor from bidding on any public works contract of the awarding agency for up to one year.

(e) Nothing in this section shall be interpreted to allow an awarding agency to subdivide any public works project of more than two thousand five hundred dollars for the purpose of circumventing the procedures required by ~~((RCW 39.12.040(+)))~~ subsection (1) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 39.12 RCW to read as follows:

If an interested party makes a written request of a contractor or subcontractor to file certified payroll records under rules regarding payroll which have been adopted by the department of labor and industries to enforce this chapter and the records requested are for the off-site prefabrication of a nonstandard, project-specific product, the contractor or subcontractor must file the certified copy of the payroll records only with the awarding agency."

Correct the title.

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

The amendment 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.

Representative Ormsby spoke in favor of the passage of the bill.

Representative Condotta 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. 2864.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2864 and the bill passed the House by the following vote: Yeas - 63, Nays - 32, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Walsh and Warnick - 32.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2864, having received the necessary constitutional majority, was declared passed.

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

### SECOND READING

**HOUSE BILL NO. 3071, By Representatives Goodman, Rodne and Williams**

**Harmonizing statutes that address the termination of condominiums.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3071 was substituted for House Bill No. 3071 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3071 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 Goodman, Rodne, Armstrong, Schindler, Miloscia and Goodman (again) spoke in favor of the passage of the bill.

Representatives Pedersen, Dunn, Sump, Darneille and Sump (again) spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3071.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3071 and the bill passed the House by the following vote: Yeas - 52, Nays - 43, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Chase, Clibborn, Conway, Crouse, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Liias, Loomis, McCoy, McIntire, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Pettigrew, Quall, Rodne, Rolfes, Schindler, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Wallace, Warnick, Williams, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Bailey, Campbell, Chandler, Cody, Condotta, Darneille, DeBolt, Dickerson, Dunn, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Hudgins, Hurst, Kelley, Kretz, Kristiansen, Lantz, Linville, McCune, McDonald, Morrell, Newhouse, Orcutt, Pearson, Pedersen, Priest, Roach, Roberts, Ross, Santos, Schmick, Schual-Berke, Smith, Sump, Takko, Van De Wege and Walsh - 43.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 3071, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3149, By Representatives Sommers, Haler, Conway, Kenney, Fromhold, McIntire, Anderson and Darneille; by request of State Investment Board**

**Changing state investment board personnel compensation provisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3149 was substituted for House Bill No. 3149 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3149 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.

Representative Sommers spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3149.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3149 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Bailey, Chandler, Condotta, DeBolt, Dunn, Ericksen, Herrera, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Smith, Sump and Warnick - 22.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 3149, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3360, By Representatives Hasegawa and Santos**

**Increasing the availability of funds for the time certificate of deposit investment program.**

The bill was read the second time.

Representative Kelley moved the adoption of amendment (1260):

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 43.60A.190 and 2007 c 11 s 1 are each amended to read as follows:

(1) The department shall:

(a) Develop and maintain a current list of veteran-owned businesses; and

(b) Make the list available on the department's public web site.

(2) ~~((In order))~~ To qualify as a veteran-owned business, the business must be at least fifty-one percent owned and controlled by:

(a) A veteran as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(3) To participate in the linked deposit program under chapter 43.86A RCW, a veteran-owned business qualified under this section must be certified by the department as a business:

(a) In which the veteran owner possesses and exercises sufficient expertise specifically in the business's field of operation to make decisions governing the long-term direction and the day-to-day operations of the business;

(b) That is organized for profit and performing a commercially useful function; and

(c) That meets the criteria for a small business concern as established under chapter 39.19 RCW.

(4) The department shall create a logo for the purpose of identifying veteran-owned businesses to the public. The department shall put the logo on an adhesive sticker or decal suitable for display in a business window and distribute the stickers or decals to veteran-owned businesses listed with the department.

~~((4))~~ (5)(a) Businesses may submit an application on a form prescribed by the department for inclusion on the list or to apply for certification under this section.

(b) The department must notify the state treasurer of veteran-owned businesses that are no longer certified under this section. The written notification to the state treasurer must contain information regarding the reasons for the decertification and information on financing provided to the veteran-owned business under RCW 43.86A.060.

~~((5))~~ (6) The department may adopt rules necessary to implement this section.

**Sec. 2.** RCW 43.86A.030 and 2007 c 500 s 1 are each amended to read as follows:

(1) Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2)(a) Of all funds available under this section, the state treasurer may use up to ~~((one hundred fifty))~~ two hundred million dollars per year ~~((of all funds available under this section))~~ for the

purposes of RCW 43.86A.060(2)(c)(i) and up to twenty-five million dollars per year for the purposes of RCW 43.86A.060(2)(c)(ii). The amounts made available to these public depositories shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

**Sec. 3.** RCW 43.86A.060 and 2007 c 500 s 2 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

(b) Where an individual loan does not exceed one million dollars;

(c)(i) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW; or

(ii) That are made to a veteran-owned business that has received state certification under RCW 43.60A.190;

(d) Where the interest rate on the loan to the minority or women's business enterprise or veteran-owned business does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer shall lower the amount of the preference to ensure that the effective interest rate on the time certificate of deposit is not less than two percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW or that a veteran-owned business is no longer certified under RCW 43.60A.190, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise or the veteran-owned business, as applicable.

(5) The office of minority and women's business enterprises has the authority to adopt rules to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime; and

(d) Limit the total amount of any one qualified loan made under the linked deposit program.

NEW SECTION. **Sec. 4.** The department of veterans affairs shall report to the governor and appropriate committees of the legislature by December 1, 2008, on the progress made in implementing this act."

Correct the title.

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

The amendment 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 Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3360.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3360 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Schindler - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED HOUSE BILL NO. 3360, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 3151, By Representatives Alexander, DeBolt, Hunt and McCune

**Extending the commencement-of-construction date for a sales and use tax for public facilities districts in national disaster 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 Alexander and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3151.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3151 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 3151, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2476, By Representatives McCoy, Simpson, Lantz, Appleton, O'Brien, Kenney, Sells, Moeller, Hudgins, Dunn, Upthegrove and Chase

**Authorizing tribal police officers to act as general authority Washington state peace officers.**

The bill was read the second time.

Representative Kretz moved the adoption of amendment (1169):

On page 2, after line 33, insert the following:

"(c) The appropriate sovereign nation has entered into an interlocal agreement pursuant to chapter 39.34 RCW with appropriate county and city law enforcement agencies."

Representatives Kretz and Chandler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1169) to House Bill No. 2476.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (1169) to House Bill No. 2476 and the amendment was not adopted by the following vote: Yeas - 44, Nays - 51, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Eickmeyer, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Kelley, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Van De Wege, Wallace, Walsh, Warnick and Mr. Speaker - 44.

Voting nay: Representatives Appleton, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lias, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Pedersen, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Williams and Wood - 51.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

Representative Ericks moved the adoption of amendment (1194):

On page 2, line 33, after "chapter." insert "The criminal justice training commission shall notify the office of financial management if:

(i) A tribal police officer authorized under this act as a general authority Washington state peace officer has been decertified pursuant to RCW 43.101.157; or

(ii) An appropriate sovereign tribal government is otherwise in noncompliance with RCW 43.101.157."

Representatives Ericks and Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chandler moved the adoption of amendment (1170):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Office of the Attorney General shall report to the Legislature on law enforcement practices and crime statistics on and near the reservations of federally recognized tribes within Washington state by November 15, 2008. The study shall:

(1) Identify public safety and citizen service components that are the standard for law enforcement practices;

(2) Enable a fair comparison of law enforcement practices on reservations, near reservations, and for areas with comparable demographics with no proximity to reservations;

(3) Present data necessary to document or discredit the claim that the exterior boundaries of the reservation offer lawbreakers jurisdictional loopholes, or the perception of jurisdictional loopholes, that gives rise to deficient law enforcement;

(4) Present summaries of all existing agreements between tribal law enforcement and local law enforcement; and

(5) Present the rationale of tribal law enforcement agencies and local governments that have not chosen to enter into interlocal agreements for cooperative law enforcement."

Correct the title.

Representatives Chandler, Newhouse, Ross and Anderson spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1170) to House Bill No. 2476.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (1170) to House Bill No. 2476 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 56, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse,

DeBolt, Dunn, Eickmeyer, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Takko, Van De Wege, Walsh and Warnick - 39.

Voting nay: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

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 McCoy, Hurst, Rolfes, Hunt, Ericks and Eickmeyer spoke in favor of the passage of the bill.

Representatives Armstrong, Pearson, Chandler, Kretz and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2476.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2476 and the bill passed the House by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Ericks, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse, DeBolt, Eickmeyer, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Takko, Van De Wege and Warnick - 37.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

ENGROSSED HOUSE BILL NO. 2476, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3188, By Representatives Roach, Hurst, McCune and Dunn**

**Exempting waste vegetable oil from excise tax.**

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 Roach and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3188.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3188 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

HOUSE BILL NO. 3188, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3269, By Representatives Roach, Haler, Williams, Campbell, Rodne and Ross**

**Creating a roving early intervention specialist pilot program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3269 was substituted for House Bill No. 3269 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3269 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 Roach and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 3269.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3269 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 3269, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Skinner and Conway)**

**Transferring the oral history program from the secretary of state to the legislature.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1741 was substituted for Engrossed Substitute House Bill No. 1741 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1741 was read the second time.

With the consent of the House, amendment (978) was withdrawn.

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

Representatives Hunt, Chandler and Ahern spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1741.

#### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1741 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Flannigan, Hailey and Skinner - 3.

THIRD SUBSTITUTE HOUSE BILL NO. 1741, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3139, By Representatives Conway, Wood, Green, Moeller, Simpson and Ormsby**

**Providing for stays of industrial insurance orders on appeal.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3139 was substituted for House Bill No. 3139 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3139 was read the second time.

Representative Condotta moved the adoption of amendment (1269):

On page 2, beginning on line 16, after "(b)" strike all material through "board." on line 20 and insert "An employer appeal of a department order shall operate as a stay of the order except: An employer appeal of an order awarding temporary total disability benefits shall not operate as a stay of temporary total disability benefits, and such temporary total disability benefits shall be paid no later than fifteen days after the board grants the appeal, unless an employer moves for a stay of the department's order within fifteen days after the board grants the appeal."

On page 2, beginning on line 33, strike all of subsections (i) and (ii) and insert the following:

"If a self-insured employer appeals an order setting the claimant's temporary total disability rate, the claimant shall receive any temporary total disability benefits based upon the rate calculation that the employer most recently submitted to the department and payment of benefits at this rate shall not be stayed pending a final decision on the merits. However, payment of temporary total disability benefits at the increased rate in the order on appeal is stayed without further action by the board pending a final decision on the merits."

On page 5, beginning on line 17, strike all of subsection (c)

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

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (1270):

On page 2, line 17, after "due" strike "on the date issued" and insert "sixty days from the date the order is communicated to the parties"

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (1271):

On page 2, beginning on line 20, after "Any" strike "party" and insert "employer"

Representatives Chandler and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Condotta moved the adoption of amendment (1268):

On page 2, beginning on line 22, after "appeal." strike all material through "later." on line 26 and insert "The board shall review the department's file as it existed as of the date of the order on appeal, and issue a written order granting or denying the stay within fifteen days of receipt of the motion."

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (1267):

On page 2, line 28, after "51.52.110." insert "If the board denies a motion to stay payment of benefits, the board shall refer the appeal for scheduling of hearings and shall not place the case in mediation pursuant to RCW 51.52.095, unless requested and agreed by the parties."

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (1272):

On page 2, beginning on line 28, after "51.52.110." strike all material through "stay." on line 32 and insert "The board shall grant the motion if the department's file demonstrates the issues on appeal are debatable or if the hardship to the moving party if the stay were not granted is greater than the hardship to the moving party if the stay were granted."

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (1273):

On page 2, line 32, after "stay." insert "If the board denies the motion for stay, the board shall reconsider the motion one hundred eighty days after issuance of the order denying the stay if a proposed decision and order on the merits of the appeal has not been issued."

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved the adoption of amendment (1209):

On page 3, beginning on line 1, after "(ii)" strike all material through "merits." on line 8, and insert "If any party appeals an order establishing a worker's wages or the compensation rate at which a worker will be paid temporary or permanent total disability or loss of earning power benefits, the worker shall receive payment pending a final decision on the merits based on the following:

(A) When the employer is self-insured, the wage calculation or compensation rate the employer most recently submitted to the department; or

(B) When the employer is insured through the state fund, the highest wage amount or compensation rate uncontested by the parties.

Payment of benefits or consideration of wages at a rate that is higher than that specified in (b)(ii)(A) or (B) of this subsection is stayed without further action by the board pending a final decision on the merits."

On page 5, beginning on line 19, after "self-insurer." strike all material through "(d)" on line 24, and insert the following:

"(d) The department or self-insurer may recover overpayments for health services from any entity that provided health insurance to the worker to the extent that the health insurance entity would have

provided health insurance benefits but for workers' compensation coverage.

(e)"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Condotta moved the adoption of amendment (1266):

On page 3, line 9, after "(c)" insert the following:

"Notwithstanding the denial of a stay, temporary total disability benefits shall be terminated if changed circumstances indicate the worker is not totally disabled.

(d)"

Correct any internal references accordingly.

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (1254) was withdrawn.

Representative Conway moved the adoption of amendment (1263):

On page 8, after line 20, insert the following:

**"Sec. 3.** A new section is added to chapter 51.52 RCW to read as follows:

(1) The department of labor and industries shall study appeals of workers' compensation cases and collect information on the impacts of this act on state fund and self-insured workers and employers. The study shall consider the types of benefits that may be paid pending an appeal, and shall include, but not be limited to:

(a) The frequency and outcomes of appeals;

(b) The number of and amount of overpayments resulting from decisions of the board or court; and

(c) The processes used and efforts made to recoup overpayments and the results of those efforts.

(2) State fund and self-insured employers shall provide the information requested by the department to conduct the study.

(3) The department shall report to the workers' compensation advisory committee by July 1, 2009, on the preliminary results of the study. By December 1, 2009, the department shall report to the workers' compensation advisory committee and the appropriate committees of the legislature on the results of the study and any recommendations, including but not limited to recommendations, if necessary, for addressing unrecoverable overpayments."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Condotta moved the adoption of amendment (1265):

On page 8, after line 20, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, each employer shall retain from the earnings of each worker that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the employer overpayment reimbursement fund. However, the state apprenticeship council shall pay the entire amount into the employer overpayment reimbursement fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for reimbursement to the accident fund, medical aid fund, reserve fund, and to self-insured employers for benefits overpaid to injured workers during the pendency of board or court appeals in which the department or self-insured employer prevails, and shall be no more than necessary to make such payments on a current basis.

(2) None of the amount assessed for the employer overpayment reimbursement fund under RCW 51.16.210 may be retained from the earnings of workers covered under RCW 51.16.210.

**NEW SECTION. Sec. 4.** A new section is added to chapter 51.44 RCW to read as follows:

The employer overpayment reimbursement fund is created in the custody of the state treasurer. Expenditures from the account may be used only for reimbursing the accident fund, medical aid fund, reserve fund, and self-insured employers for benefits overpaid to injured workers during the pendency of board or court appeals in which the department or self-insured employer prevails. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (1274):

On page 8, line 21, after "**Sec. 3.**" strike "Section 2 of this" and insert "This"

On page 8, line 24, after "after" strike "the effective date of this section" and insert "July 1, 2009"

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (1253):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 51.32.240 and 2004 c 243 s 7 are each amended to read as follows:

(1)(a) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by willful misrepresentation, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived.

(b) Except as provided in subsections (3), (4), and (5) of this section, the department may only assess an overpayment of benefits because of adjudicator error when the order upon which the overpayment is based is not yet final as provided in RCW 51.52.050 and 51.52.060. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(c) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department or self-insurer fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient willful misrepresentation, the recipient may request an adjustment of benefits to be paid from the state fund or by the self-insurer, as the case may be, subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error. Adjustments due to adjudicator error are addressed by the filing of a written request for reconsideration with

the department of labor and industries or an appeal with the board of industrial insurance appeals within sixty days from the date the order is communicated as provided in RCW 51.52.050. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(3) Whenever the department issues an order rejecting a claim for benefits paid pursuant to RCW 51.32.190 or 51.32.210, after payment for temporary disability benefits has been paid by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(4) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim ~~((with the state fund or self-insurer, as the case may be))~~ whether state fund or self-insured. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience, however, if the director waives in whole or in part any such payments due to a self-insured employer, the employer shall be reimbursed the amount waived from the employer overpayment reimbursement fund. The department shall collect information regarding self-insured claim overpayments resulting from final decisions of the board of industrial insurance appeals and the courts, and at a self-insurer's request, recoup such overpayments on behalf of the self-insurer from any open, new, or reopened state fund or self-insured claims. The department shall forward the amounts collected to the self-insured employer to whom the payment is owed. The department may provide information as needed to any self-insurers from whom payments may be collected on behalf of the department or another self-insurer. Notwithstanding RCW 51.32.040, any self-insurer requested by the department to forward payments to the department pursuant to this subsection shall pay the department directly. The department shall credit the amounts recovered to the appropriate fund, or forward amounts collected to the appropriate self-insurer, as the case may be. If a self-insurer is not fully reimbursed within eighteen months of the final decision of the board or court order through the collection process pursuant to this subsection and by means of processes pursuant to subsection (6) of this section, the self-insurer shall be reimbursed for the remainder of the amount due from the employer overpayment reimbursement fund. The fund shall also reimburse the self-insured employer its reasonable attorney fees in pursuing payment under this subsection or subsection (6) of this section.

(5)(a) Whenever any payment of benefits under this title has been induced by willful misrepresentation the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the willful misrepresentation was committed, as the case may be, and the amount

of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within three years of the discovery of the willful misrepresentation.

(b) For purposes of this subsection (5), it is willful misrepresentation for a person to obtain payments or other benefits under this title in an amount greater than that to which the person otherwise would be entitled. Willful misrepresentation includes:

(i) Willful false statement; or

(ii) Willful misrepresentation, omission, or concealment of any material fact.

(c) For purposes of this subsection (5), "willful" means a conscious or deliberate false statement, misrepresentation, omission, or concealment of a material fact with the specific intent of obtaining, continuing, or increasing benefits under this title.

(d) For purposes of this subsection (5), failure to disclose a work-type activity must be willful in order for a misrepresentation to have occurred.

(e) For purposes of this subsection (5), a material fact is one which would result in additional, increased, or continued benefits, including but not limited to facts about physical restrictions, or work-type activities which either result in wages or income or would be reasonably expected to do so. Wages or income include the receipt of any goods or services. For a work-type activity to be reasonably expected to result in wages or income, a pattern of repeated activity must exist. For those activities that would reasonably be expected to result in wages or produce income, but for which actual wage or income information cannot be reasonably determined, the department shall impute wages pursuant to RCW 51.08.178(4).

(6) The worker, beneficiary, or other person affected thereby shall have the right to contest an order assessing an overpayment pursuant to this section in the same manner and to the same extent as provided under RCW 51.52.050 and 51.52.060. In the event such an order becomes final under chapter 51.52 RCW and notwithstanding the provisions of subsections (1) through (5) of this section, the director, director's designee, or self-insurer may file with the clerk in any county within the state a warrant in the amount of the sum representing the unpaid overpayment and/or penalty plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the worker, beneficiary, or other person mentioned in the warrant, the amount of the unpaid overpayment and/or penalty plus interest accrued, and the date the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the worker, beneficiary, or other person against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department or self-insurer in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the worker, beneficiary, or other person within three days of filing with the clerk.

The director, director's designee, or self-insurer may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a

notice to withhold and deliver property of any kind if there is reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is due, owing, or belonging to any worker, beneficiary, or other person upon whom a warrant has been served for payments due the department or self-insurer. The notice and order to withhold and deliver shall be served by certified mail accompanied by an affidavit of service by mailing or served by the sheriff of the county, or by the sheriff's deputy, or by any authorized representative of the director, director's designee, or self-insurer. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired or in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property that may be subject to the claim of the department or self-insurer, such property shall be delivered forthwith to the director, the director's authorized representative, or self-insurer upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount, plus costs, claimed by the director, director's designee, or self-insurer in the notice. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

This subsection shall only apply to orders assessing an overpayment which are issued on or after July 28, 1991: ~~PROVIDED, That~~ this subsection shall apply retroactively to all orders assessing an overpayment resulting from fraud, civil or criminal.

(7) Orders assessing an overpayment which are issued on or after July 28, 1991, shall include a conspicuous notice of the collection methods available to the department or self-insurer.

**Sec. 2.** RCW 51.52.050 and 2004 c 243 s 8 are each amended to read as follows:

(1) Whenever the department has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia(~~(—PROVIDED, That)~~). However, a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries,

Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

(2)(a) Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration of the department, or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal(~~(—PROVIDED, That)~~).

(b) An employer appeal of a department order shall operate as a stay of the order except:

(i) An employer appeal of an order awarding temporary total disability benefits shall not operate as a stay of temporary total disability benefits, and such temporary total disability benefits shall be paid no later than fifteen days after the board grants the appeal, unless an employer moves for a stay of the department's order within fifteen days after the board grants the appeal. Any employer may move for a stay of the order, in whole or in part. The board shall review the department's file as it existed as of the date of the order on appeal, and issue a written order granting or denying the stay within fifteen days of receipt of the motion. The board shall grant the motion if the department's file demonstrates the issues on appeal are debatable or if the hardship to the moving party if the stay were not granted is greater than the hardship to the nonmoving party if the stay were granted. If the board denies the motion for stay, the board shall reconsider the motion one hundred eighty days after issuance of the order denying the stay if a proposed decision and order on the merits of the appeal has not been issued. If the board denies a motion to stay payment of benefits, the board shall refer the appeal for scheduling of hearings and shall not place the case in mediation pursuant to RCW 51.52.095, unless requested and agreed by the parties. Notwithstanding the denial of a stay, temporary total disability benefits shall be terminated if changed circumstances indicate the worker is not totally disabled. If the self-insured employer prevails in the appeal on the merits, any benefits paid may be recouped pursuant to RCW 51.32.240.

(ii) If a self-insured employer appeals a department order only setting the basis or rate of monthly compensation to a worker, the appeal shall not be a stay of benefits not in dispute. The appeal shall operate as a stay of payment of benefits in dispute, and such benefits shall not be paid unless so ordered after the appeal on the merits has been finally determined, or unless agreed by the parties.

(c) In an appeal from an order of the department that alleges willful misrepresentation, the department or self-insured employer shall initially introduce all evidence in its case in chief. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

**Sec. 3.** RCW 51.52.090 and 1971 ex.s. c 289 s 70 are each amended to read as follows:

If the appeal is not denied within thirty days after the notice is filed with the board, the appeal shall be deemed to have been granted(~~(—PROVIDED, That the board may extend the time within which it may act upon such appeal, not exceeding thirty days)~~).

**NEW SECTION. Sec. 4.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, each employer shall retain from the earnings of each worker that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be remitted to the department in such manner and at

such intervals as the department directs and shall be placed in the employer overpayment reimbursement fund. However, the state apprenticeship council shall pay the entire amount into the employer overpayment reimbursement fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for reimbursement to the accident fund, medical aid fund, reserve fund, and to self-insured employers for benefits overpaid to injured workers during the pendency of board or court appeals in which the department or self-insured employer prevails, and shall be no more than necessary to make such payments on a current basis.

(2) None of the amount assessed for the employer overpayment reimbursement fund under RCW 51.16.210 may be retained from the earnings of workers covered under RCW 51.16.210.

**NEW SECTION. Sec. 5.** A new section is added to chapter 51.44 RCW to read as follows:

The employer overpayment reimbursement fund is created in the custody of the state treasurer. Expenditures from the account may be used only for reimbursing the accident fund, medical aid fund, reserve fund, and self-insured employers for benefits overpaid to injured workers during the pendency of board or court appeals in which the department or self-insured employer prevails. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 6.** This act applies to orders issued on or after the effective date of this act."

Correct the title.

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

Representative Conway spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1253) to Second Substitute House Bill No. 3139.

#### MOTION

On motion of Representative Santos, Representative Hunter was excused.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (1253) to Second Substitute House Bill No. 3139 and the amendment was not adopted by the following vote: Yeas - 40, Nays - 54, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Eddy, Ericksen, Grant, Haler, Hankins, Hasegawa,

Herrera, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Linville, Loomis, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Walsh, Warnick and Mr. Speaker - 40.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Goodman, Green, Haigh, Hudgins, Hunt, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Lias, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams and Wood - 54.

Excused: Representatives Flannigan, Hailey, Hunter and Skinner - 4.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (1253) to Second Substitute House Bill No. 3139.

BOB HASEGAWA, 11<sup>th</sup> District

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.

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3139.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3139 and the bill passed the House by the following vote: Yeas - 62, Nays - 32, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Sump, Walsh and Warnick - 32.

Excused: Representatives Flannigan, Hailey, Hunter and Skinner - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139, 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. 3139.

SHIRLEY HANKINS, 8<sup>th</sup> District

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

There being no objection, the Committee on Early Learning & Children's Services was relieved of further consideration of SENATE BILL NO. 6331, and the bill was referred to the Committee on Judiciary.

There being no objection, the Committee on Rules was relieved of further consideration of the following bills which were placed on the Second Reading calendar:

- HOUSE BILL NO. 2143,
- HOUSE BILL NO. 2263,
- HOUSE BILL NO. 2452,
- HOUSE BILL NO. 2564,
- HOUSE BILL NO. 2597,
- HOUSE BILL NO. 2651,
- HOUSE BILL NO. 2699,
- HOUSE BILL NO. 2797,
- HOUSE BILL NO. 2807,
- HOUSE BILL NO. 2809,
- HOUSE BILL NO. 2847,
- HOUSE BILL NO. 2903,
- HOUSE BILL NO. 3027,
- HOUSE BILL NO. 3134,
- HOUSE BILL NO. 3137,
- HOUSE BILL NO. 3148,
- HOUSE BILL NO. 3232,
- HOUSE BILL NO. 3249,
- HOUSE BILL NO. 3261,
- HOUSE JOINT MEMORIAL NO. 4028,

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, 2008, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk