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**SIXTIETH LEGISLATURE - REGULAR SESSION**

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**THIRTY SEVENTH DAY**

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House Chamber, Olympia, Tuesday, February 19, 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 the Nisei Veterans Committee Color Guard comprised of Jiro Takisaki, 442nd; Art Yorozu, MIS; Tom Ohtani, Korean Era; Teruo Yorita, Vietnam Era; and Dale Kagu, former commander NVC. The National Anthem was sung by the Navy Band Northwest Vocal Quartet, comprised of Tommy Horner, James Rassch, Drew Williams and Eric Cavender. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dave Nieda of the Blaine Memorial United Methodist Church of Seattle.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 4688, By Representatives Santos, Hasegawa, Rolfes, Campbell, Hankins and Skinner

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment, caused Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States

Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found that "there was no military or security reason for the internment" of individuals of Japanese ancestry and that the internment "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause to acknowledge the sixty-sixth anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees and WWII veterans from the state of Washington, to honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, the Japanese-American Citizens League, and the Japanese-American Cultural & Community Center.

Representative Santos moved the adoption of the resolution.

Representative Santos: "Thank you, Mr. Speaker. Two-thousand-eight marks the 30<sup>th</sup> anniversary of this nation's first

Day of Remembrance. It also marks the 20<sup>th</sup> anniversary of the signing of the United States Civil Liberties Act. Today I want to take a moment of your time, Mr. Speaker, to remind you of the local roots of both of those occasions.

In 1978, I was a high-school student and I had the opportunity to engage in one of the most important lessons of my young life. It was a project of civic engagement: helping to organize the very first Day of Remembrance. At that time, we, as a Japanese-American community had long learned to bury our feelings and bury our memories of that tragic chapter in our community's history and in fact in our nation's history.

And so, when we began to talk up the idea of pulling our community together to reenact the assembly of Japanese Americans during World War II and the caravan to Camp Harmony, which is how we euphemistically referred to the Puyallup Fair Grounds, we did not know what to expect, but we continued with our efforts. And to our surprise, more than two thousand members of our community descended on Sicks' Stadium in the Rainier Valley. It was, according to some reports, the largest gathering of Japanese Americans since the war began, and since the government banned the Japanese-American community from assembling. This could not have taken place without a lot of local community leadership, including people like Henry Miyatake, Shosuke Sasaki, Cherry Kinoshita, Sam Shoji, our churches, the Japanese-American Citizens League, and the Nisei Veterans Committee.

As a result of that very first Day of Remembrance, Japanese-American communities all across this nation took heart that 'Yes, maybe we should do something to honor and remember this terrible point in our nation's history. And maybe we should petition our government for an official apology to those whose civil liberties were violated.'

In 1979, the very first bill was introduced into Congress that would eventually lead to that official apology, and to reparations for all those living and had experienced the internment. A new congressman by the name of Mike Lowry, our former governor, and his legislative aide, Ruth Anne Kurose, were the authors of that very first bill which became the United State Civil Liberties Act.

Mr. Speaker, it's very tempting to view this day only as a textbook lesson in history. And yet, the importance of this day weighs heavily on my mind and on my heart as we find that those who actually experienced the Japanese-American internment are diminishing in numbers. In fact, I dare say that most members of this House were not even alive during World War II. And our warriors are fading, our warriors who fought both in the armed forces as members of the proud 4-4-2 and the military intelligence service and those who fought as civilians to protect our most cherished rights and freedoms.

Mr. Speaker, it is right that today we pause and recognize the valor and the courage and the determination and the spirit of those who fought on our behalf. In the words of President Truman, "The warriors fought not only the enemy, but they fought prejudice, and they won." I am so proud to live in a country and to be part of a people that are able to admit to and apologize for our mistakes. Indeed, it is a mark of our

character and of our greatness. Are we big enough and great enough to learn from our mistakes and to, more important, never repeat them again? History alone will be our judge, and that is why we must pause, even on this most time-sensitive day of the session, to remember how easily our civil liberties can be overturned by fear and passion, by discrimination and demagoguery, and by the unchecked and unquestioned exercise of power.

Mr. Speaker, the president who signed Executive Order 9066, that lead to the exclusion and incarceration of 120,000 Japanese Americans, noted toward the end of this experience his mistake. And he commended the Japanese Americans, and particularly those who fought on the fronts, both in Europe and in the Pacific theaters, by saying, and if I may quote Mr. Speaker, "The principle on which this country was founded and by which it has always governed is that Americanism is a matter of the mind, and heart. Americanism is not and never was a matter of race and ancestry." Yes, Mr. Speaker, we must pause; we must pause today and support this resolution recognizing the Day of Remembrance. Thank you."

Representative Skinner: "Thank you Mr. Speaker, ladies and gentlemen of the House. Sixty-six years ago. . . on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066. The order authorized the United States military to remove "any or all persons" from the West Coast. However, it was targeted specifically to Japanese Americans and Japanese resident aliens. Following the signing of that order, more than 120 thousand persons of Japanese ancestry living on the West Coast were forced to leave their homes, jobs and businesses. That is more than the entire combined populations of my hometown of Yakima and my adopted town of Olympia. They were relocated to military internment camps. It was the largest single forced relocation in our American history.

Mr. Speaker, I would like to read a quote from one of these citizens. Mary Tsukamoto was in her late 20s when she was relocated to an internment camp with her husband and daughter. Here she described her arrival to the camp:

"We saw all these people behind the fence, looking out, hanging onto the wire, and looking out because they were anxious and curious as to who was coming in. But I will never forget the shocking feeling that human beings were behind this fence like animals. And we were going to also lose our freedom and walk inside of the gate and find ourselves. . . cooped up. When the gates were shut, we knew that we had lost something that was very precious. . . we were no longer free."

Every one of us in this room is a citizen of the United States of America, the greatest country on Earth – the greatest experiment. Just as they were, imagine yourself at that moment. Can you even begin to imagine what it was like when the door closed behind you?

There were many people back then who realized the injustice of such a forced relocation, including a woman in my

hometown we knew as Mrs. Boyd. Esther Short Boyd came from New York City in the early 1900s with her family. She was a businesswoman, a community leader, and a role model. She testified on behalf of the Japanese before the U.S. House Investigating Committee. "It's a mistake and unnecessary to evacuate the Japanese farmers," Mrs. Boyd told them. The many Japanese that she knew were good citizens, hard-working, thrifty, and law abiding. She also said if they were evacuated, she judged it would take four White farmers to raise the amount of truck crops as one Japanese farmer. Japanese-Americans in the Yakima area entrusted their church, their altar, their possessions and their lands to her. A woman from my community. She took care of their properties. . . and when they returned, she gave the lands and the property back to them... just as they had left it. Others were not so fortunate. Many lost their farms, homes and property, coming back to nothing. N-O-T-H-I-N-G. Nothing!

Years later, the guilt weighed heavily on those involved in this injustice. Milton S. Eisenhower, the younger brother of President Eisenhower, was appointed to the board of directors responsible for the relocation project. He said: "How could such a tragedy have occurred in a democratic society that prides itself on individual rights and freedoms? I have brooded about this whole episode on and off for the past three decades."

Mr. Speaker, I am proud to live in a country of liberty and justice for all. It took 40 years, but eventually justice prevailed. Congress issued an apology to our Japanese-American citizens and approved reparations to those interned. Mary Tsukomoto said at that time "Only in a democracy can we correct mistakes. I am proud to be an American."

Mr. Speaker, as a woman from Eastern Washington, a citizen, a state representative, I'm proud to live in a nation of the free – a country of diverse cultures and beliefs. A nation where we can work together to correct the mistakes of the past and know as Ronald Reagan knew – our best days are ahead of us. Let us always remember the past that we will never repeat this history. Remember when good men and good women are silent, evil prevails. Let us vow to fight prejudice in all forms.

Let us honor today all of our Japanese-American citizens – loyal to our nation just as you and I are - - for their sacrifice as true American citizens.

I commend and I request for your support of this resolution. Thank you!"

HOUSE RESOLUTION NO. 4688 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Morris presiding) introduced members of the Nisei veterans' community and asked the Chamber to acknowledge them.

#### **RESOLUTION**

HOUSE RESOLUTION NO. 4696, By Representatives Hunt, Alexander, Bailey, Williams, Takko, Kessler, Van De Wege, Eickmeyer, Blake, DeBolt, Newhouse, Kelley, Smith, Hankins and Skinner

WHEREAS, Extensive flooding due to record rainfall in six southwestern Washington counties on December 3 and 4, 2007, caused the Governor to proclaim a statewide emergency and the President of the United States to declare the flooded areas a major disaster; and

WHEREAS, Fourteen aircraft from the United States Coast Guard, United States Air Force, United States Navy, Oregon Army National Guard, Washington Department of Natural Resources, and King County executed rescue operations in Lewis, Grays Harbor, Mason, and Thurston counties; and

WHEREAS, These deployments comprised the largest aerial search and rescue operation in a decade and resulted in at least one hundred fifty persons rescued; and

WHEREAS, Three aircrews from Naval Air Station Whidbey Island, positioned to provide search and rescue support for Navy aircraft in the region, were the first to launch on the mission and the first aircraft on location in Lewis County; and

WHEREAS, These brave crews rescued a total of thirty-eight persons over the course of that day and into the night, before retiring due to fatigue; and

WHEREAS, During the following days Naval Air Station Whidbey Island flew over twenty-five flight hours in support of this mission, rescuing ninety persons in Lewis and Thurston counties; and

WHEREAS, The example of these pilots and aircrew exhibit an incredible heroic response to a dangerous situation threatening the citizens of the state of Washington; and

WHEREAS, Admiral Jim Symonds, the Navy Base Commanders from the Puget Sound area, and five of the pilots and aircrew who rescued so many of our fellow citizens during the December floods in Lewis, Grays Harbor, and Southern Thurston counties are coming to Olympia;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the spirit, the courage, and the mettle of Naval Air Station Whidbey Island's pilots and their aircrews; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Whidbey Island pilots and members of the aircrews, and to the Naval Air Station Whidbey Island.

HOUSE RESOLUTION NO. 4696 was adopted.

#### **SPEAKER'S PRIVILEGE**

Mr. Speaker (Representative Morris presiding) took a moment of Speaker's privilege to acknowledge the Naval Air

Station at Whidbey Island for all the assistance the State of Washington received during the December 2007 flooding.

#### POINT OF PERSONAL PRIVILEGE

Representative DeBolt thanked the men and women of the Naval Air Station for all of the assistance they provided to the citizens of the 20<sup>th</sup> District and to the State of Washington.

#### INTRODUCTION & FIRST READING

HB 3373 by Representative Moeller

AN ACT Relating to nada protocol therapy; amending RCW 18.06.045; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

ESB 5208 by Senators Swecker, Marr and Haugen

AN ACT Relating to bond amounts for department of transportation highway contracts; and amending RCW 39.08.030.

Referred to Committee on Transportation.

SB 5319 by Senators Berkey, Morton and Fairley

AN ACT Relating to the issuance of checks by joint operating agencies and public utility districts; and amending RCW 43.52.375 and 54.24.010.

Referred to Committee on Local Government.

ESSB 5363 by Senate Committee on Transportation (originally sponsored by Senator Jacobsen)

AN ACT Relating to using traffic safety cameras on certain arterial streets; amending RCW 46.63.170; and creating a new section.

Referred to Committee on Transportation.

ESSB 5456 by Senate Committee on Judiciary (originally sponsored by Senator Morton)

AN ACT Relating to nonresidents' participation in hunting and organized shooting events; and amending RCW 9.41.170.

Referred to Committee on Judiciary.

SSB 5465 by Senate Committee on Judiciary (originally sponsored by Senators Schoesler, Kline, Carrell and Hatfield)

AN ACT Relating to clarifying the process for restoration of the right to possess firearms; amending RCW 9.41.040, 9.41.047, 9.41.070, and 46.20.265; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

ESSB 5831 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Franklin, Keiser and Murray)

AN ACT Relating to certification of heating, ventilation, air conditioning, and refrigeration contractors and mechanics; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SSB 5869 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Fairley, Franklin and Keiser)

AN ACT Relating to the collection of personally identifiable information by state agencies; and amending RCW 43.105.020 and 43.105.052.

Referred to Committee on State Government & Tribal Affairs.

2ESSB 5905 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Pflug, Keiser, Tom, Zarelli, Marr and Carrell)

AN ACT Relating to certificate of capital authorization; and amending RCW 74.46.803 and 74.46.807.

Referred to Committee on Appropriations.

SSB 6184 by Senate Committee on Judiciary (originally sponsored by Senators Benton, Eide, Weinstein, McCaslin, Hargrove, Regala, Hatfield, Carrell, Tom, Franklin, Zarelli, Kline, Haugen, Keiser, Fairley, Hobbs, Marr, Kastama, Berkey, Delvin, Brandland, Spanel, Murray, Prentice, Holmquist, Hewitt, Rasmussen, Jacobsen, Sheldon, Oemig, Morton, Pflug, Roach, Pridemore, McAuliffe, Rockefeller, Parlette, Kauffman, Shin, Kohl-Welles, Stevens, Kilmer, Swecker, Honeyford, Schoesler, King and McDermott)

AN ACT Relating to most serious offenses; reenacting and amending RCW 9.94A.030; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 6187 by Senators Shin, Rasmussen, Schoesler, Morton, Murray and Kohl-Welles

AN ACT Relating to conditional scholarships for food animal veterinarians; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

2SSB 6222 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles and Franklin)

AN ACT Relating to long-term care; amending RCW 74.41.040, 18.20.350, 74.41.050, and 74.38.040; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.39A RCW; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 6244 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Carrell)

AN ACT Relating to facilities to house offenders violating community custody; and creating a new section.

Referred to Committee on Human Services.

SB 6251 by Senators Regala, Carrell and Kastama

AN ACT Relating to conserving forest lands; and amending RCW 84.33.140 and 84.33.145.

Referred to Committee on Finance.

SB 6275 by Senators Haugen and Rasmussen

AN ACT Relating to drainage district commissioners' authority; and amending RCW 85.06.640.

Referred to Committee on Agriculture & Natural Resources.

SSB 6297 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Brandland and Sheldon)

AN ACT Relating to elected prosecuting attorney salaries; amending RCW 36.17.020; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6317 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Berkey and Kline)

AN ACT Relating to the payment of interest upon failure to pay death benefits that are payable under the terms of a group life insurance policy; and adding a new section to chapter 48.24 RCW.

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

SB 6321 by Senators Marr, Swecker and Haugen

AN ACT Relating to jurisdictional route transfers; amending RCW 47.26.167; adding a new section to chapter 47.01 RCW; and recodifying RCW 47.26.167.

Referred to Committee on Transportation.

SSB 6322 by Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles, Fairley and Kline)

AN ACT Relating to revising the definition of a weapon; and reenacting and amending RCW 9.41.300.

Referred to Committee on Judiciary.

SSB 6324 by Senate Committee on Transportation (originally sponsored by Senators Sheldon, Haugen and Shin)

AN ACT Relating to liability immunity for aerial search and rescue activities managed by the department of transportation; and amending RCW 47.68.380.

Referred to Committee on Judiciary.

SB 6369 by Senators Eide, McAuliffe, Keiser, Franklin and Rasmussen

AN ACT Relating to the Washington community learning center program; and amending RCW 28A.215.060.

Referred to Committee on Education.

SSB 6395 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Spanel, Swecker, Jacobsen, Morton, Hargrove, Brandland, Fraser, Shin, Kohl-Welles, Rasmussen, Sheldon and Rockefeller)

AN ACT Relating to protecting southern resident orca whales from disturbances by vessels; adding a new section to

chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SB 6398 by Senators Stevens and Hargrove

AN ACT Relating to fines levied in truancy court actions; and amending RCW 28A.225.090.

Referred to Committee on Judiciary.

SSB 6404 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Pridemore)

AN ACT Relating to community-based behavioral health services; amending RCW 71.24.025, 71.24.300, 71.24.320, and 71.24.330; reenacting and amending RCW 71.24.035; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SB 6421 by Senators Pridemore, Keiser, McDermott, Hatfield, Kohl-Welles and Pflug

AN ACT Relating to providing medical coverage for smoking cessation programs; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

SSB 6439 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Spanel and Berkey)

AN ACT Relating to radiologist assistants; amending RCW 18.84.010, 18.84.020, 18.84.030, 18.84.040, and 18.84.080; and adding a new section to chapter 18.84 RCW.

Referred to Committee on Health Care & Wellness.

SSB 6445 by Senate Committee on Government Operations & Elections (originally sponsored by Senator Pridemore)

AN ACT Relating to cost recovery for fire protection and public safety services rendered on navigable waters of the state to commercial vessels by fire protection agencies; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SSB 6453 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Tom, McAuliffe, Rasmussen, Oemig, Kline and Shin)

AN ACT Relating to the release of education records to the department of social and health services; and amending RCW 28A.150.510.

Referred to Committee on Education.

SSB 6458 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Shin and Kohl-Welles)

AN ACT Relating to regulation of health professionals; amending RCW 18.130.050, 18.130.080, 18.130.140, 18.130.150, 18.130.165, 18.130.170, 18.130.172, 18.130.180, 9.96A.020, 9.95.240, 43.43.825, 18.71.0191, and 43.70.240; reenacting and amending RCW 18.130.040, 18.130.040, and 18.130.160; adding new sections to chapter 18.130 RCW; adding a new section to chapter 18.71 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 6464 by Senator Fairley

AN ACT Relating to judicial district population estimates; and amending RCW 3.30.010.

Referred to Committee on Judiciary.

SSB 6470 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kauffman, Schoesler, Marr, Prentice, Tom, Rasmussen, Kline, Kohl-Welles, Kilmer and Roach)

AN ACT Relating to training medical students, nurses, and medical technicians and assistants to work with patients with developmental disabilities; and creating new sections.

Referred to Committee on Health Care & Wellness.

2SSB 6479 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Prentice, Rasmussen and Roach)

AN ACT Relating to screening and treating children with attachment disorders; creating new sections; and providing expiration dates.

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

2SSB 6483 by Senate Committee on Ways & Means (originally sponsored by Senators Hatfield, Honeyford, Rasmussen, Haugen, Swecker, Tom, Morton, Rockefeller, Fraser, Hargrove, Keiser, Kohl-Welles, Brandland, Kilmer, Shin, McDermott, Kauffman, Murray, Hobbs, Kastama, Fairley, Pridemore, Regala, McAuliffe, Jacobsen, Kline, Brown, Franklin, Hewitt, Spanel, Parlette, Oemig and Roach)

AN ACT Relating to local food production; amending RCW 43.19.1906; reenacting and amending RCW 43.19.1905 and 28A.335.190; adding a new section to chapter 15.64 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; repealing RCW 43.19.706; and providing expiration dates.

Referred to Committee on Agriculture & Natural Resources.

SB 6486 by Senators McAuliffe, Hobbs and Rasmussen

AN ACT Relating to the advisory committee identifying career and technical education curricula to help students obtain a certificate of academic achievement; and amending 2007 c 354 s 12 (uncodified).

Referred to Committee on Education.

ESSB 6488 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, Brandland, Stevens, Rasmussen, Delvin, Benton and Kilmer)

AN ACT Relating to DNA identification of convicted sex offenders and other persons; and amending RCW 43.43.753, 43.43.754, 43.43.7541, and 43.43.756.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 6531 by Senator Haugen

AN ACT Relating to environmental mitigation in highway construction; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Ecology & Parks.

ESSB 6532 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Haugen and Keiser)

AN ACT Relating to the management of state-owned aquatic lands by cities for the purposes of

operating a publicly owned marina; adding a new section to chapter 79.105 RCW; and providing an expiration date.

Referred to Committee on Ecology & Parks.

SSB 6544 by Senate Committee on Judiciary (originally sponsored by Senators Stevens, Honeyford, Pflug, Delvin, Holmquist, McCaslin, Swecker and Roach)

AN ACT Relating to the seriousness level of criminal mistreatment; and reenacting and amending RCW 9.94A.515.

Referred to Committee on Public Safety & Emergency Preparedness.

E2SSB 6546 by Senate Committee on Transportation (originally sponsored by Senators Brandland, Tom and Rasmussen)

AN ACT Relating to licensing provisions concerning driving under the influence of intoxicating liquor or drugs; amending RCW 46.20.342, 46.20.380, 46.20.391, 46.20.400, 46.20.410, 46.20.720, 46.20.740, and 46.61.5055; reenacting and amending RCW 46.20.308 and 46.63.020; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 46.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SSB 6548 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Carrell)

AN ACT Relating to controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives; and amending RCW 71.09.080 and 71.09.092.

Referred to Committee on Human Services.

SSB 6569 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Hatfield and Holmquist)

AN ACT Relating to public transit vehicle stops at unmarked stop zones; and amending RCW 46.61.560.

Referred to Committee on Transportation.

SSB 6572 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Jacobsen, Kohl-Welles and McDermott)

AN ACT Relating to off-premises microbrewery warehouses; reenacting and amending RCW 66.24.244 and 66.24.244; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 6576 by Senators Swecker, Jacobsen, Pflug, Haugen and Marr

AN ACT Relating to improving traffic flagger safety; adding a new section to chapter 47.36 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

SSB 6583 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland and Hargrove)

AN ACT Relating to eligibility for medical assistance; amending RCW 74.09.510 and 74.09.530; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SSB 6596 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Regala, Stevens, Marr, Shin, McAuliffe, Brandland and Kilmer)

AN ACT Relating to the creation of a sex offender policy board; adding new sections to chapter 9.94A RCW; adding new sections to chapter 43.131 RCW; and creating new sections.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6600 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland and Tom)

AN ACT Relating to juvenile truancy proceedings; and adding new sections to chapter 28A.225 RCW.

Referred to Committee on Judiciary.

SSB 6602 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

AN ACT Relating to the pilotage act; amending RCW 88.16.010, 88.16.035, 88.16.070, 88.16.090, 88.16.100,

88.16.102, 88.16.103, 88.16.105, 88.16.107, 88.16.110, 88.16.135, 88.16.155, 88.16.200, 34.05.514, 88.16.061, and 43.79.330; reenacting and amending RCW 88.16.118, 43.84.092, and 43.79A.040; adding a new section to chapter 88.16 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESSB 6606 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Kohl-Welles, Honeyford, Prentice, Murray and Rasmussen)

AN ACT Relating to the licensing of home inspectors; amending RCW 43.24.150; adding a new section to chapter 15.58 RCW; adding a new section to chapter 18.85 RCW; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 6609 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Rasmussen, Haugen, Jacobsen, Marr, Shin and Roach)

AN ACT Relating to specialty agricultural structures; amending RCW 19.27.100; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

SSB 6620 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Pridemore, Oemig, Hatfield, Fraser, Rasmussen and Shin)

AN ACT Relating to an exemption for manufacturers of biological remediation technologies for use in on-site sewage disposal systems; amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; creating new sections; and providing an expiration date.

Referred to Select Committee on Environmental Health.

ESSB 6644 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Franklin, Kastama, Fairley, Marr, Delvin, Kohl-Welles, Brandland, Schoesler and Rasmussen)

AN ACT Relating to primary medical eye care; reenacting and amending RCW 48.43.005; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 6665 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Marr)

AN ACT Relating to the intensive case management and integrated response pilot programs; amending RCW 70.96A.800, 70.96B.800, 70.96B.010, 70.96B.020, 70.96B.050, 70.96B.100, and 70.96B.900; amending 2007 c 120 s 4 (uncodified); adding a new section to chapter 70.96B RCW; and providing expiration dates.

Referred to Committee on Human Services.

SSB 6675 by Senate Committee on Higher Education (originally sponsored by Senators McAuliffe, Shin, Pflug, Berkey, Fairley and Tom)

AN ACT Relating to allowing public technical colleges to offer associate transfer degrees; amending RCW 28B.50.140; and creating a new section.

Referred to Committee on Higher Education.

SSB 6678 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Prentice, Hobbs, Swecker, McCaslin, Brandland, Spanel, Jacobsen, Oemig, Fairley, Franklin, Fraser, King, Eide, Marr, Brown, Carrell, Berkey, Hatfield, Rasmussen, Rockefeller, Regala, Pridemore, Tom, Sheldon, Hargrove, Weinstein, Shin, Parlette, Murray, McAuliffe, Stevens, Kohl-Welles, Roach and Holmquist)

AN ACT Relating to special license plates for parents of United States armed forces members who have died while in service to his or her country or as a result of such service; amending RCW 46.16.725; reenacting and amending RCW 46.16.305; and creating a new section.

Referred to Committee on Transportation.

SB 6717 by Senators Hatfield, Pridemore, Sheldon, Hobbs, Berkey, Fairley, McDermott and Delvin

AN ACT Relating to public utility district commissioner salaries; and amending RCW 54.12.080.

Referred to Committee on Local Government.

SSB 6734 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Keiser and Kohl-Welles)

AN ACT Relating to establishing a process to promote evidence-based nurse staffing in hospitals; adding new sections

to chapter 70.41 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 6742 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rasmussen, McAuliffe, Tom and Kline)

AN ACT Relating to specialized individualized education programs for students with autism; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

SSB 6743 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rasmussen, McAuliffe, Tom and Shin)

AN ACT Relating to autism awareness instruction for teachers of students with autism; and adding a new section to chapter 28A.155 RCW.

Referred to Committee on Education.

SSB 6761 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Spanel and Rasmussen)

AN ACT Relating to service areas for wetlands mitigation banks; and amending RCW 90.84.030 and 90.84.050.

Referred to Committee on Ecology & Parks.

SSB 6765 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette and Keiser)

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.100; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 6771 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Murray)

AN ACT Relating to temporarily eliminating regional transportation investment districts; amending RCW 36.120.070; and providing an expiration date.

Referred to Committee on Transportation.

SSB 6790 by Senate Committee on Human Services & Corrections (originally sponsored by Senators

Hargrove, Stevens, Regala, Shin, Kline and Kohl-Welles)

AN ACT Relating to creating a pilot program for the education of inmates; amending RCW 72.09.465; adding new sections to chapter 72.09 RCW; and creating new sections.

Referred to Committee on Human Services.

SSB 6791 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Marr)

AN ACT Relating to clarifying permitted uses of moneys currently collected under the county legislative authority sales and use tax for chemical dependency or mental health treatment programs and services or therapeutic courts; amending RCW 82.14.460; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 6792 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens)

AN ACT Relating to dependency matters; amending RCW 13.34.215, 13.34.065, 13.34.136, 26.44.063, 74.13.031, and 74.15.240; and adding a new section to chapter 74.15 RCW.

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

SSB 6804 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Carrell, Hobbs, Shin, Roach, Kohl-Welles, Marr, McAuliffe, Rasmussen and Benton)

AN ACT Relating to capital grants for integrated long-term care worker training labs in the community and technical college system; and creating a new section.

Referred to Committee on Higher Education.

SSB 6807 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Keiser, Fairley and Kohl-Welles)

AN ACT Relating to discharge of long-term care residents; adding a new section to chapter 18.20 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 6818 by Senators Oemig, Brandland, Tom, Zarelli, Kastama, Weinstein, Kilmer, Keiser and Kohl-Welles

AN ACT Relating to transparency in state expenditures; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 6837 by Senators Brown, Swecker, Marr and McAuliffe

AN ACT Relating to the prescription drug assistance foundation; and amending RCW 41.05.550.

Referred to Committee on Health Care & Wellness.

SB 6849 by Senators Oemig, Weinstein, Tom, Delvin, Shin, Kilmer, Schoesler and Kohl-Welles

AN ACT Relating to classification as a resident student; amending RCW 28B.15.012; and providing an effective date.

Referred to Committee on Higher Education.

SSB 6857 by Senate Committee on Transportation (originally sponsored by Senators Morton, Swecker, Haugen, King, Spanel, Parlette and Delvin)

AN ACT Relating to heavy haul industrial corridors; and amending RCW 46.44.0915.

Referred to Committee on Transportation.

SB 6885 by Senators King and Swecker

AN ACT Relating to abstracts of driving records; amending RCW 46.52.130; and providing an effective date.

Referred to Committee on Transportation.

SSB 6932 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Spanel, Jacobsen, Marr, Kilmer, Rockefeller and Shin)

AN ACT Relating to ferry vessel and terminal planning; amending RCW 47.60.005, 47.60.375, and 47.60.345; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

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

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

There being no objection, the Committee on Judiciary was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 6306, and the bill was referred to the Committee on Early Learning and Children's Services.

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. 2813,  
HOUSE BILL NO. 2952,

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

#### MESSAGE FROM THE SENATE

February 18, 2008

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6305, and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### SECOND READING

**HOUSE BILL NO. 2779, By Representatives Orcutt, Blake, Chase, McCoy, Lantz and Skinner**

**Requiring a specialized forest products permit to sell raw or unprocessed huckleberries.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2779 was substituted for House Bill No. 2779 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2779 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 Orcutt and Blake 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. 2779.

#### MOTIONS

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

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2779 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 2779, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2879, By Representatives Morris, Ericksen, Hasegawa, Morrell and Kelley; by request of Attorney General**

**Modifying provisions regulating spyware.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2879 was substituted for House Bill No. 2879 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2879 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 Morris and Crouse 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. 2879.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2879 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 2879, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2709, By Representatives Hurst, Pettigrew, Appleton, Sells, Green, Conway, Morrell, Anderson, Sullivan, Kenney, Schual-Berke, McIntire, Wood, Hudgins, Simpson, Goodman, Van De Wege, Ormsby and Rolfes**

**Authorizing school districts to establish a price preference to purchase locally grown food.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2709 was substituted for House Bill No. 2709 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2709 was read the second time.

Representative Hurst moved the adoption of amendment (1140):

On page 3, beginning on line 30, after "(6)" strike all material through "(7)" on page 4, line 8

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

On page 4, after line 19, insert the following:

"(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food; such policies and procedures may include, but are not limited to, local preferences.

(10) As used in this section, "Washington grown" means grown and packed or processed in Washington.

(11) This section does not apply to procurement of food by a school if it is determined that compliance with this section would:

(i) Cause denial of federal moneys; or

(ii) Be inconsistent with the requirements of federal law."

Representatives Hurst and Priest 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 Hurst and Priest 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. 2709.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2709 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2709, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2938, By Representatives Simpson, Schindler, Wood, Hankins and Van De Wege**

**Clarifying annexation procedures between cities and fire districts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2938 was substituted for House Bill No. 2938 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2938 was read the second time.

Representative Simpson moved the adoption of amendment (1198):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.13.215 and 1986 c 254 s 7 are each amended to read as follows:

(1) If any portion of a fire protection district is proposed for annexation to or incorporation into a city, code city, or town, both the fire protection district and the city, code city, or town shall inform the employees of the fire protection district about hires, separations, terminations, and any other changes in employment that are a direct consequence of annexation or incorporation.

(2) If any portion of a fire protection district is annexed to or incorporated into a city, code city or town, any employee of the fire protection district who ~~((+))~~ (a) was at the time of such annexation or incorporation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the city, code city or town fire department ~~((=))~~ (b) will, as a direct consequence of annexation or incorporation, be separated from the employ of the fire protection district, and ~~((=))~~ (c) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the civil service system of the city, code city or town fire department as provided for in this section and RCW 35.13.225 and 35.13.235.

(3) For purposes of this section and RCW 35.13.225 and 35.13.235, employee means an individual whose employment with a fire protection district has been terminated because the fire protection district was annexed by a city, code city or town for purposes of fire protection.

**Sec. 2.** RCW 35.13.225 and 1994 c 73 s 3 are each amended to read as follows:

(1) An eligible employee may transfer into the civil service system of the city, code city, or town fire department by filing a written request with the city, code city, or town civil service commission and by giving written notice thereof to the board of commissioners of the fire protection district. Upon receipt of such request by the civil service commission, the transfer of employment shall be made. ~~((The employee so transferring will (a) be on probation for the same period as are new employees of the city, code city, or town fire department in the position filled, but if the transferring employee has already completed a probationary period as a firefighter prior to the transfer, then the employee may only be~~

~~terminated during the probationary period for failure to adequately perform assigned duties, not meeting the minimum qualifications of the position, or behavior that would otherwise be subject to disciplinary action, (b) be eligible for promotion no later than after completion of the probationary period, (c) receive a salary at least equal to that of other new employees of the city, code city, or town fire department in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city, code city, or town civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the city, code city, or town fire department from the beginning of employment with the fire protection district. PROVIDED, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The board of commissioners of the fire protection district shall, upon receipt of such notice, transmit to any applicable civil service commission a record of the employee's service with the fire protection district which shall be credited to such employee as a part of the period of employment in the city, code city, or town fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.~~

~~(2) As many of the transferring employees shall be placed upon the payroll of the city, code city, or town fire department as the department determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and RCW 35.13.215 and 35.13.235 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the city, code city, or town fire department when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the city, code city, or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.) Transfers under this section shall be made in order of seniority.~~

(2) Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of the fire protection district, including rights to:

(a) Compensation at least equal to the level at the time of transfer;

(b) Retirement, vacation, sick leave, and any other accrued benefit;

(c) Promotion and service time accrual; and

(d) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date."

Correct the title.

Representative Schindler moved the adoption of amendment (1230) to amendment (1198):

On page 3 of the amendment, after line 27, insert the following:  
**"NEW SECTION. Sec. 3.** A new section is added to chapter 35.13 RCW to read as follows:

Cities and towns annexing territory under this chapter shall, prior to completing the annexation, make legislative findings regarding the likely effects that the annexation and any associated asset transfers may have upon the safety of residents within and outside the proposed annexation area. Findings made under this section shall address, but are not limited to addressing, the provision of fire protection and emergency medical services within and outside the proposed annexation area.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35A.14 RCW to read as follows:

Cities annexing territory under this chapter shall, prior to completing the annexation, make legislative findings regarding the likely effects that the annexation and any associated asset transfers may have upon the safety of residents within and outside the proposed annexation area. Findings made under this section shall address, but are not limited to addressing, the provision of fire protection and emergency medical services within and outside the proposed annexation area."

Representatives Schindler and Simpson spoke in favor of the adoption of the amendment to amendment (1198).

The amendment was adopted.

Amendment (1198) 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 Simpson and Schindler 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. 2938.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2938 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, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, 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, Miloschia, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Goodman - 1.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3160, By Representatives Springer, Newhouse, Ericks, Goodman, Armstrong, Linville, McDonald, Kessler, Dickerson, Wood, Wallace, Hunter, Blake, Clibborn, Morrell, Williams, Loomis, Liias, Kelley, Eddy, Takko, Warnick, Jarrett, Rodne, Sullivan, Roach, Van De Wege, Kenney and Ormsby**

### Addressing the availability of nutrition information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3160 was substituted for House Bill No. 3160 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3160 was read the second time.

With the consent of the House, amendment (1242) was withdrawn.

Representative Ericks moved the adoption of amendment (1275):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) A legislative task force on nutritional information disclosure is established, with members appointed by the governor as provided in this subsection:

(i) One member from each of the two largest caucuses of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives;

(iii) Four representatives of the restaurant industry in consultation with the Washington restaurant association;

(iv) Two representatives of consumer groups in consultation with the American heart association and the American diabetes association;

(v) One representative from the state board of health; and

(vi) One representative from a local board of health or health district.

(b) The task force shall choose its chair from among its membership at its first meeting.

(2) The task force must study current efforts on nutritional information disclosure at restaurants including, but not limited to, systems for estimating actual nutritional information, health impacts of menu labeling, cost and impact to the restaurant industry, and alternatives to any current approaches. The task force must also review how other states are addressing the issue.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2008, with recommendations for providing nutritional information to consumers in restaurant settings.

**NEW SECTION. Sec. 2.** A moratorium is enacted upon all local boards of health or health districts from adopting an ordinance, rule, policy, regulation, or permit requirement regarding mandatory menu labeling or nutritional information disclosure until April 26, 2009. Any ordinance, rule, policy, regulation, or permit requirement regarding mandatory menu labeling or nutritional information disclosure adopted before the effective date of this section shall not be enforced until April 26, 2009. This chapter does not prohibit a local board of health or health district from adopting or encouraging voluntary measures regarding menu labeling or nutritional information disclosure at restaurants."

Correct the title.

Representatives Ericks and Condotta 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 Springer and Condotta 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. 3160.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3160 and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Condotta, Conway, Crouse, 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, Liias, Linville, Loomis, McCoy, McCune, McIntire, Miloschia, Moeller, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, Williams, and Wood - 82.

Voting nay: Representatives Cody, Dunn, Ericksen, Hinkle, McDonald, Morrell, Nelson, Pedersen, Ross, Sump, Upthegrove, Warnick and Mr. Speaker - 13.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3160, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3131, By Representatives Lantz, Goodman, Williams, Kelley and Ormsby**

**Addressing school safety.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3131 was substituted for House Bill No. 3131 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3131 was read the second time.

Representative Santos moved the adoption of amendment (1264):

On page 5, beginning on line 19, strike all of section 2 and insert the following:

**"NEW SECTION. Sec. 2.** (1) The superintendent of public instruction shall convene a multistakeholder school threat assessment work group to develop, by September 1, 2009, a model policy and programmatic guidance on threat assessment and threat management in schools. The model policy's purpose is to provide school personnel and community safety agencies with best practice policies and procedures that should be followed to address assessment and intervention methods associated with a student's act or threat of violence or harm, or a student's use, attempted use, threatened use, or intent to use a weapon on school grounds. The model policy shall:

(a) Be consistent with the elements of RCW 28A.320.128 and the office of the superintendent of public instruction's model policy

addressing requirements for notification of threats of violence or harm adopted under RCW 28A.320.128;

(b) Address the definition of threat assessment in the context of a student's act or threat of violence or harm, or a student's use, attempted use, threatened use, or intent to use a weapon on school grounds;

(c) Define the range of best practice interventions that should be pursued if a student involved in an act or threat of violence or harm to self, others, or property, or the use, attempted use, threatened use, or intent to use a weapon on school grounds, is either released to the community while expelled or suspended, or returned to the school environment; and

(d) Address the purpose of a school threat assessment, guidelines for school threat management plans, governance of the threat assessment process, including the responsibilities of the convening agency, the boundaries of information shared between multiple agencies, membership of threat assessment committees, and liability issues for those involved in the process.

(2) The multistakeholder school threat assessment work group should consist of representatives from the office of the superintendent of public instruction, the association of Washington school principals, the Washington association of school administrators, the Washington school directors association, the Washington state safe school advisory committee, the Washington association of sheriffs and police chiefs, the Washington state emergency management division, school employee unions, school risk managers, special education professionals, the mental health division of the department of social and health services, the juvenile court administrators association, and other appropriate community safety agencies and organizations as determined by the superintendent of public instruction.

(3) By September 1, 2010, the office of the superintendent of public instruction will facilitate quarterly trainings to school districts on the implementation of the model school threat assessment policy and programmatic guidance to provide school personnel and community safety agencies with the recommended best practice policies and procedures. This training will address the assessment and intervention methods associated with a student's act or threat of violence or harm, or a student's use, attempted use, threatened use, or intent to use a weapon on school grounds.

(4) The superintendent of public instruction shall provide the following reports to the education committees of the house of representatives and the senate:

(a) By September 15, 2009, a report on the components of the model policy adopted under subsection (1) of this section;

(b) By January 15, 2011, a report on the implementation of the quarterly trainings required under subsection (3) of this section; and

(c) By November 15, 2011, a report on the compliance of school districts in adopting the policy on threat assessment and threat management required under section 3 of this act.

(5) The office of superintendent of public instruction shall implement this section within existing funds.

(6) This section expires December 31, 2011.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

By September 1, 2011, each school district board of directors shall adopt a policy on threat assessment and threat management in schools that addresses how schools will provide for the safety of all individuals involved in or affected by threats of violence or harm, or the use, attempted use, threatened use, or intent to use a firearm or other weapon prohibited under RCW 9.41.280. The school district's

threat assessment and threat management policy must address the issues identified in section 2(1) of this act. In developing its policy on threat assessment and threat management, the school district shall consider the model policy and guidance on threat assessment and threat management developed by the office of the superintendent of public instruction under section 2 of this act."

Correct the title.

Representatives Santos, 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 Lantz 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 Substitute House Bill No. 3131.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3131 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3131, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3289, By Representatives Simpson, Kelley, Sells, Dunn, Linville and Barlow**

**Authorizing the issuance of special license plates to family members of United States armed forces members killed in combat.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3289 was substituted for House Bill No. 3289 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3289 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 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. 3289.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 3289 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 3289, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2822, By Representatives Kagi, Walsh, Lantz, Dickerson, Haler, Sullivan, Seaquist and Kenney**

**Concerning the family and juvenile court improvement program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2822 was substituted for House Bill No. 2822 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2822 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 Kagi, Walsh, Goodman and Lantz 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. 2822.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2822 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2822, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2882, By Representatives Wood, Hudgins, Hasegawa and Ormsby**

**Concerning the labeling of lead-containing products.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2882 was substituted for House Bill No. 2882 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2882 was read the second time.

Representative Newhouse moved the adoption of amendment (1190):

On page 3, line 7, after "less than" strike "nine-thousandths" and insert "six one-hundredths"

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

Representative Hudgins spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Wood moved the adoption of amendment (1218):

On page 3, line 7, after "than" strike "nine-thousandths" and insert "four one-hundredths"

Representative Wood 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 Wood and Morrell spoke in favor of the passage of the bill.

Representative Sump 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. 2882.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2882 and the bill passed the House by the following vote: Yeas - 71, Nays - 24, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold,

Goodman, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Alexander, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Grant, Haler, Herrera, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schindler, Schmick, Sump, Walsh and Warnick - 24.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2882, having received the necessary constitutional majority, was declared passed.

#### **RECONSIDERATION**

Representative Ericks, having voted on the prevailing side, moved for immediate reconsideration of the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 3160 passed the House. The motion was carried.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3160 on reconsideration.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3160, on reconsideration, 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, Chandler, Chase, Clibborn, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Herrera, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams and Wood - 81.

Voting nay: Representatives Anderson, Cody, Dunshee, Haler, Hudgins, Kristiansen, Morrell, Nelson, Pearson, Pedersen, Sommers, Sump, Upthegrove and Mr. Speaker - 14.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3160, on reconsideration, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 3160 on reconsideration.

LARRY HALER, 8<sup>th</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 3160 on reconsideration..

KIRK PEARSON, 39<sup>th</sup> District

**HOUSE BILL NO. 3019, By Representatives Fromhold, Conway, Bailey, Crouse, Hurst and Simpson; by request of Select Committee on Pension Policy**

**Addressing service credit for members working a partial year in plans 2 and 3 of the teachers' retirement system and the school 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 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 House Bill No. 3019.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3019 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, 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, Skinner, Smith, Sommers, Springer,

Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 3019, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3117, By Representatives Hunter, Sullivan and McIntire**

**Requiring a LEAP document that provides estimates of educational programs and services for each publicly proposed budget document.**

The bill was read the second time.

Representative Hunter moved the adoption of amendment (1071):

On page 1, after line 5, strike all material through page 2, line 9 and insert:

"(1) Upon the release of each proposed omnibus appropriations act and final enacted budget, the legislative evaluation and accountability committee shall prepare and cause to be posted on a publicly accessible web site a presentation consisting of potential examples of the types and levels of educational programs and services supported by funding provided in the proposed or enacted omnibus appropriations act under specified allocations for the support of common schools.

(2) The purpose of the presentation created in subsection 1 is to make transparent to the public, using categories and terms that are readily understood, examples of the type and level of educational programs and services supported by funding appropriated in the omnibus appropriations act under specified programs for support of the common schools. Such transparency promotes better public understanding of the state resources provided to support the common schools. The information in the presentation is for illustrative purposes only. It is not intended, nor is it to be construed, to represent how state allocations are actually used by individual school districts, nor how school districts are expected or required to expend state allocations."

On page 2, line 11, strike "document" and insert "presentation"

Representatives Hunter and Alexander 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 Hunter 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 House Bill No. 3117.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3117 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED HOUSE BILL NO. 3117, 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. 3224, By Representatives Loomis, Hunter, Sells and Liias**

**Reviewing and conducting studies on providing commuter rail services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3224 was substituted for House Bill No. 3224 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3224 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 Loomis 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. 3224.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3224 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, Chase, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Chandler and Jarrett - 2.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 3224, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2263, By Representatives Blake, Moeller, Orcutt and Newhouse**

**Regarding the phosphorus content in dishwashing detergent.**

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 Blake, Kretz and Dunn 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. 2263.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2263 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 2263, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2564, By Representatives Upthegrove, Pedersen, Van De Wege, Ormsby, Hunt, Wood, McIntire, Roberts, Hudgins, Jarrett, Rolfes, Kagi, Chase and Simpson**

**Adding bicyclist and pedestrian safety information to drivers' education curriculum.**

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.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2564.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2564 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 3.

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

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Herrera, Hinkle, Kristiansen, Newhouse, Orcutt, Roach, Rodne, Ross, Schindler and Schmick - 22.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 2564, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2699, By Representatives Moeller and Conway**

**Recodifying RCW 19.48.130 as a section in the minimum wage act.**

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 Moeller 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. 2699.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2699 and the bill passed the House by the following vote: Yeas - 70, Nays - 25, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Ross, Schindler, Schmick, Skinner, Smith, Sump and Warnick - 25.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 2699, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2847, By Representatives Ormsby, Schindler, Barlow, Simpson, Springer, Wood and Santos**

**Creating a sales and use tax exemption of materials and services used in the weatherization assistance program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2847 was substituted for House Bill No. 2847 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2847 was read the second time.

Representative Ormsby moved the adoption of amendment (1247):

On page 1, line 9, after "property" strike "or labor and services"

On page 2, line 4, after "property" strike "or labor and services"

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.

Representatives Ormsby and Schindler 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. 2847.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2847 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, 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, Skinner, 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 Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3027, By Representatives Cody, Fromhold, Conway, Crouse, Hurst, Simpson and Morrell; by request of Select Committee on Pension Policy**

**Participating in insurance plans and contracts by separated plan 2 members of certain retirement systems.**

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 Cody 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. 3027.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 3027 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey  
- 3.

HOUSE BILL NO. 3027, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3148, By Representative Moeller**

**Concerning firearm licenses for persons from other countries.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3148 was substituted for House Bill No. 3148 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3148 was read the second time.

Representative Moeller moved the adoption of amendment (1232):

On page 3, beginning on line 33, after "license" strike all material through "area" on line 37 and insert "to the county in which the applicant resides"

On page 4, line 6, after "the" strike "treasury" and insert "justice"

On page 4, line 17, after "the" strike "treasury" and insert "justice"

Representative Moeller 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 Moeller 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 Engrossed Substitute House Bill No. 3148.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3148 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey  
- 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3148, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3249, By Representatives Cody, Fromhold and Hunt; by request of Health Care Authority**

**Administering benefits under the public employees' benefits board.**

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 Cody 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. 3249.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 3249 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 3249, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

February 19, 2008

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,  
SECOND SUBSTITUTE SENATE BILL NO. 5642,  
SENATE BILL NO. 6216,  
SUBSTITUTE SENATE BILL NO. 6224,  
SUBSTITUTE SENATE BILL NO. 6231,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6235,  
SENATE BILL NO. 6237,  
SENATE BILL NO. 6358,  
SENATE BILL NO. 6447,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,  
SENATE BILL NO. 6694,  
SENATE BILL NO. 6753,  
SUBSTITUTE SENATE BILL NO. 6847,  
SUBSTITUTE SENATE BILL NO. 6851,  
SUBSTITUTE SENATE BILL NO. 6933,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

### SECOND READING

**HOUSE BILL NO. 3317, By Representatives Hunter, Anderson, McIntire and Santos**

**Regarding standards and curriculum in mathematics and science.**

The bill was read the second time.

Representative Hunter moved the adoption of amendment (1145):

On page 1, beginning on line 5, after "**Sec. 1.**" strike all material through "science." on line 8 and insert "The legislature intends that the revised mathematics standards by the office of the superintendent of public instruction will set higher expectations for Washington's students by fortifying content and increasing rigor; provide greater clarity, specificity, and measurability about what is expected of students in each grade; supply more explicit guidance to educators about what to teach and when; enhance the relevance of mathematics to students' lives; and ultimately result in more Washington students having the opportunity to be successful in mathematics. Additionally, the revised mathematics standards should restructure the standards to make clear the importance of all aspects of

mathematics: mathematics content including the standard algorithms, conceptual understanding of the content, and the application of mathematical processes within the content."

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 Hunter and Priest 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. 3317.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3317 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED HOUSE BILL NO. 3317, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2143, By Representatives Campbell, Hunt, Chase, Flannigan, Hudgins, Morrell and Ormsby**

**Requiring the use of alternatives to lead wheel weights.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2143 was substituted for House Bill No. 2143 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2143 was read the second time.

Representative Campbell moved the adoption of amendment (1164):

Strike everything after the enacting clause and insert the following:

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

(1) Lead hazards associated with lead wheel weights represent a preventable environmental health problem. Lead wheel weights fall off of vehicle wheels along Washington's roadways and people are exposed to fragments and dust generated when lead wheel weights are abraded and pulverized by traffic. Lead wheel weights that come to be located on and alongside roadways can contribute to soil, surface, and groundwater contamination, and pose a hazard to downstream aquatic life.

(2) Lead negatively affects every system of the body. It is harmful to individuals of all ages and is especially harmful to children, fetuses, and adults of childbearing age. The effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large expenditures of public funds for health care and special education. The irreversible damage to children and subsequent expenditures could be avoided if exposure to lead is reduced.

(3) There are no federal regulatory controls governing the use of lead wheel weights. The legislature recognizes the state's need to protect the public from exposure to lead hazards.

(4) This chapter is intended to work in concert with the persistent, bioaccumulative toxins rule, chapter 173-333 WAC, administered by the department. The rule describes a requirement for the department, in consultation with the department of health, to develop a multiyear schedule for the preparation of chemical action plans. The department anticipates completion of a chemical action plan for lead by June 2008. While the formal process for the chemical action plan moves forward, the legislature believes it is prudent to act in an accelerated manner on known and readily available opportunities to reduce the environmental health impacts of lead.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Environmentally preferred wheel weights" means wheel weights used for the purpose of balancing motor vehicle wheels that are listed by the department as approved alternatives for lead wheel weights and that have less of an impact on human health and the environment.

(3) "Lead wheel weight" means any externally affixed or attached wheel weight for the purpose of balancing motor vehicle wheels and composed of greater than 0.1 percent lead by weight.

(4) "Person" includes any individual, firm, association, partnership, corporation, governmental entity, organization, or joint venture.

(5) "Vehicle" means any motor vehicle registered in Washington with a wheel diameter less than 19.5 inches or a gross vehicle weight of 14,000 pounds or less.

**NEW SECTION. Sec. 3.** (1) The department shall establish an advisory committee, in consultation with the department of health, the traffic safety commission, and the department of general administration, to identify and make readily available to tire distributors, wholesalers, retailers, and auto manufacturers, by January 1, 2009, an approved list of environmentally preferred alternatives to lead wheel weights that are available for purchase.

(2) The approved list of environmentally preferred alternatives to lead wheel weights must be updated by the department every two years starting July 1, 2009.

(3) If an alternative is removed from the approved list of environmentally preferred alternatives, the tire distributors, retailers, and auto manufacturers will have two years to use existing stock and to phase in other listed alternatives.

**NEW SECTION. Sec. 4.** Use of environmentally preferred alternative wheel weights is required at the time of the first tire replacement or the first tire balancing after:

(1) January 1, 2010, for all state-owned vehicles;

(2) January 1, 2011, for all used vehicles registered in Washington state; and

(3) January 1, 2012, for all new vehicles registered in Washington state.

**NEW SECTION. Sec. 5.** Lead wheel weights removed and collected by tire retailers and distributors shall be recycled.

**NEW SECTION. Sec. 6.** (1) Enforcement of this chapter shall rely on notification and information exchange between the department and tire distributors, wholesalers, retailers, and auto manufacturers. The department shall achieve compliance with this chapter using the following enforcement sequence:

(a) At least ninety days prior to the implementation dates for vehicles identified in section 4 of this act, the department shall prepare and distribute information to persons in the tire and wheel weight manufacturing, distribution, wholesale, retail, and auto manufacturing industries, to the maximum extent practicable, to assist them in identifying environmentally preferred alternative products for lead wheel weights.

(b) The department shall issue a warning letter to a person in the tire distribution, wholesale, retail, auto manufacturing, or associated industries that violates the requirements of this chapter.

(c) The department shall offer information or other appropriate assistance to the person in (b) of this subsection. If, after one year, compliance is not achieved, penalties may be assessed under subsection (2) of this section.

(2) Failure of a person that installs wheel weights to comply with this chapter is punishable by a civil penalty not to exceed five hundred dollars for each violation in the case of a first offense. Persons who are repeat violators are liable for a civil penalty not to exceed one thousand dollars for each repeat offense. Penalties collected under this section shall be deposited in the state toxics control account created in RCW 70.105D.070. The owner of a vehicle is not liable for failing to comply with this chapter.

**NEW SECTION. Sec. 7.** The department may adopt rules to fully implement this chapter.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW."

Representatives Campbell and Hudgins 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 Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2143.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2143 and the bill passed the House by the following vote: Yeas - 78, Nays - 17, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, 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, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Alexander, Armstrong, Chandler, Condotta, Crouse, DeBolt, Ericksen, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Ross, Schindler, Schmick and Warnick - 17.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2143, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2818, By Representatives Campbell and Hudgins

##### Concerning the duties of the department of ecology's office of waste reduction and sustainable production.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2818 was substituted for House Bill No. 2818 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2818 was read the second time.

Representative Newhouse moved the adoption of amendment (1281):

On page 5, line 21, after "characteristics." insert ""Toxic chemicals" does not include chemicals used in agricultural production."

Representatives Newhouse, Hudgins and Campbell 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 Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2818.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2818 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2818, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2813, By Representatives Quall, Upthegrove, Sullivan, Santos and Ormsby**

**Requiring an assessment of the need for teacher preparation programs for teachers of visually impaired and blind public school students.**

The bill was read the second time.

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

Representatives Quall and Priest 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. 2813.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2813 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 2813, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3133, By Representatives Liias, Ormsby, Miloscia, Sells, Roberts, Priest, Hunt, Appleton, Rolfes, Loomis, Sullivan, Goodman, Morrell, McIntire, Wood, Hurst, Nelson and Santos**

**Requiring a minimum of three years' notice on closures or conversions of mobile home parks and manufactured housing communities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3133 was substituted for House Bill No. 3133 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3133 was read the second time.

Representative Bailey moved the adoption of amendment (1000):

On page 10, beginning on line 19, strike all of section 7

Correct the title.

Representatives Bailey and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Liias moved the adoption of amendment (1173):

Strike everything after the enacting clause and insert the following:

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

(1) Manufactured/mobile homes provide a significant source of homeownership opportunities for Washington state residents. However, the increasing number of closures and conversions to other uses of manufactured housing communities and mobile home parks, combined with low vacancy rates in existing parks and communities and the extremely high cost of moving homes when these parks and communities close, make this type of affordable housing option increasingly insecure for the tenants who reside in these parks and communities.

(2) Many tenants who reside in these parks and communities are senior citizens or low-income households and are, therefore, the residents most in need of reasonable security or permanency in the siting of their home because of the adverse impacts on the health, safety, and welfare of tenants forced to move due to closure or conversion to another use of the manufactured housing community or mobile home park.

(3) Manufactured/mobile home tenants have a reasonable expectation of long-term security when they move their home into a community or park. Some tenants have been forced to relocate due to a closure or conversion soon after the tenant has moved into the community or park. The legislature finds that unless a park owner sells the park to resident homeowners or another entity with the

purpose of preservation or justly compensates the homeowners for the loss of their homes, a minimum notification period of two years before the closure or conversion of a community or park is a reasonable balancing of the rights and interests of both community and park owners and the manufactured/mobile home owners.

(4) Given the effort and expense involved in moving a manufactured/mobile home and the imbalance of economic power in this type of landlord-tenant relationship, it is the intent of the legislature to provide an opportunity for manufactured/mobile home tenants to remain in manufactured housing communities and mobile home parks for at least two years.

**Sec. 2.** RCW 59.20.060 and 2006 c 296 s 2 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The name and address of any party who has a secured interest in the mobile home, manufactured home, or park model;

(f) A forwarding address of the tenant or the name and address of a person who would likely know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home, manufactured home, or park model;

(g)(i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that: "The park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required two-year closure notice as provided in RCW 59.20.080." The covenant or statement required by this subsection must: (A) Appear in print that is in bold face and is larger than the other text of the rental agreement; (B) be set off by means of a box, blank space, or comparable visual device; and (C) be located directly above the tenant's signature on the rental agreement(=);

(h) A copy of a closure notice, as required in RCW 59.20.080, if such notice is in effect;

(i) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

~~((f))~~ (j) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

~~((f))~~ (k) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant's space in relation to other tenants' spaces;

~~((f))~~ (l) A statement of the current zoning of the land on which the mobile home park is located; and

~~((f))~~ (m) A statement of the expiration date of any conditional use, temporary use, or other land use permit subject to a fixed expiration date that is necessary for the continued use of the land as a mobile home park.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of the vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee." However, an entrance fee may be charged as part of a continuing care contract as defined in RCW 70.38.025;

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

**Sec. 3.** RCW 59.20.080 and 2003 c 127 s 4 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy of a tenant or the occupancy of an occupant, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes, manufactured homes, or park models or mobile home, manufactured homes, or park model living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park or manufactured housing community including, but not limited to, conversion to a use other than for mobile homes, manufactured homes, or park models or conversion of the mobile home park or manufactured housing community to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants ~~((twelve months))~~ two years' notice, which may be referred to as a closure notice meeting the requirements of RCW 59.21.030, in advance of the effective date of such change~~((except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change))~~. The two-year closure notice requirement does not apply if:

(i) The mobile home park or manufactured housing community, or part of the park or community, has been acquired or is under imminent threat of condemnation;

(ii) The mobile home park or manufactured housing community is sold to an organization comprised of park or community tenants, to a nonprofit organization, to a local government, or to a housing authority for the purpose of preserving the park or community;

(iii) The landlord compensates the tenants for the loss of their homes at their assessed value prior to a change of use or sale of the property; or

(iv) A tenant is an employee of the landlord;

(f) Engaging in "criminal activity." "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants. A park owner seeking to evict a tenant or occupant under this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal drugs under RCW 59.20.155 is evidence of criminal

activity and is grounds for an eviction under this subsection. The requirement that any tenant or occupant register as a sex offender under RCW 9A.44.130 is grounds for eviction under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

(g) The tenant's application for tenancy contained a material misstatement that induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent;

(h) If the landlord serves a tenant three fifteen-day notices within a twelve-month period to comply or vacate for failure to comply with the material terms of the rental agreement or park rules. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including this chapter. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must state that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, after service of a five-day notice to comply or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles, as defined in RCW 59.20.030, from mobile home parks. This chapter governs the eviction of mobile homes, manufactured homes, park models, and recreational vehicles used as a primary residence from a mobile home park.

**Sec. 4.** RCW 59.21.030 and 2006 c 296 s 1 are each amended to read as follows:

(1) The closure notice required by RCW 59.20.080 before park closure or conversion of the park ~~((whether twelve months or longer;))~~ shall be given to the director and all tenants in writing, and posted at all park entrances. The closure notice required by RCW 59.20.080 must also meet the following requirements:

(a) A copy of the closure notice must be provided with all ~~((month-to-month))~~ rental agreements signed after the original park closure notice date as required under RCW 59.20.060;

(b) Notice to the director must include: (i) A good faith estimate of the timetable for removal of the mobile homes; (ii) the reason for closure; and (iii) a list of the names and mailing addresses of the current registered park tenants. Notice required under this subsection must be sent to the director within ten business days of the date notice was given to all tenants as required by RCW 59.20.080; and

(c) Notice must be recorded in the office of the county auditor for the county where the mobile home park is located.

(2) The department must mail every tenant an application and information on relocation assistance within ten business days of receipt of the notice required in subsection (1) of this section.

**Sec. 5.** RCW 59.20.073 and 2003 c 127 s 3 are each amended to read as follows:

(1) Any rental agreement shall be assignable by the tenant to any person to whom he or she sells or transfers title to the mobile home, manufactured home, or park model.

(2) A tenant who sells a mobile home, manufactured home, or park model within a park must provide the buyer with a copy of any closure notice provided by a landlord, as required under RCW 59.20.080, at least seven days in advance of the intended sale and transfer.

(3) A tenant who sells a mobile home, manufactured home, or park model within a park shall notify the landlord in writing of the date of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer in writing of the provisions of this section. The tenant shall verify in writing to the landlord payment of all taxes, rent, and reasonable expenses due on the mobile home, manufactured home, or park model and mobile home lot.

~~((3))~~ (4) The landlord shall notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.

~~((4))~~ (5) The landlord may require the mobile home, manufactured home, or park model to meet applicable fire and safety standards if a state or local agency responsible for the enforcement of fire and safety standards has issued a notice of violation of those standards to the tenant and those violations remain uncorrected. Upon correction of the violation to the satisfaction of the state or local agency responsible for the enforcement of that notice of violation, the landlord's refusal to permit the transfer is deemed withdrawn.

~~((5))~~ (6) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

~~((6))~~ (7) Failure to ~~((notify the landlord in writing;))~~ provide notice as required under subsection (2) or (3) of this section; or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement; or failure of the current or new tenant to obtain written

approval of the landlord for assignment of the rental agreement, shall be grounds for disapproval of such transfer.

**Sec. 6.** RCW 59.21.070 and 1995 c 122 s 10 are each amended to read as follows:

If the rental agreement includes a covenant by the landlord as described in RCW 59.20.060(1)(g)~~((†))~~, the covenant runs with the land and is binding upon the purchasers, successors, and assigns of the landlord.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Rolfes moved the adoption of amendment (1238) to amendment (1173):

On page 8, line 14 of the amendment, after "entrances." insert the following:

"(2) The closure notice shall be in substantially the following form:

CLOSURE NOTICE TO TENANTS

NOTICE IS HEREBY GIVEN on the . . . . day of . . . . , . . . . , of a potential conversion of this mobile home park or manufactured housing community to a use other than for mobile homes, manufactured homes, or park models, or of a potential conversion of the mobile home park or manufactured housing community to a mobile home park cooperative or a mobile home park subdivision. This change of use may become effective on the . . . . day of . . . . , . . . . , which shall be the date two years after the date this closure notice is given.

PARK OR COMMUNITY MANAGEMENT OR OWNERSHIP INFORMATION:

For information during the period preceding the effective change of use of this mobile home park or manufactured housing community on the . . . . day of . . . . , . . . . , contact:

Name:

Address:

Telephone:

PURCHASER INFORMATION, if applicable:

Contact information for the purchaser of the mobile home park or manufactured housing community consists of the following:

Name:

Address:

Telephone:

PARK PURCHASE BY TENANT ORGANIZATIONS, if applicable:

The owner of this mobile home park or manufactured housing community is willing to entertain an offer of purchase by an organization or group consisting of park or community tenants. Tenants should contact the park owner or park management with such an offer. For assistance in forming an organization to purchase the park or community and for possible financial resources to assist with such a purchase, contact the Office of Mobile Home Affairs

within the Department of Community, Trade, and Economic Development.

**RELOCATION ASSISTANCE RESOURCES:**

For information about the availability of relocation assistance, contact the Office of Mobile Home Affairs within the Department of Community, Trade, and Economic Development.

(3)"

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

Representative Rolfes spoke in favor of the adoption of the amendment to amendment (1173).

The amendment to amendment (1173) was adopted.

The amendment (1173) 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 Liias, Miloscia and Priest spoke in favor of the passage of the bill.

Representatives Armstrong, Schindler and Alexander spoke against the passage of the bill.

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE HOUSE BILL NO. 3133 was returned to Second Reading for purpose of amendment.

**SECOND READING**

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 3133, By House Committee on Housing (originally sponsored by Representatives Liias, Ormsby, Miloscia, Sells, Roberts, Priest, Hunt, Appleton, Rolfes, Loomis, Sullivan, Goodman, Morrell, McIntire, Wood, Hurst, Nelson and Santos)**

**Requiring a minimum of three years' notice on closures or conversions of mobile home parks and manufactured housing communities.**

With the consent of the House, Representative Bailey moved the adoption of the following oral amendment:

On page 10, strike all of section 7

Correct the title.

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

The oral amendment was adopted. The bill was ordered re-engrossed.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 3133.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 3133 and the bill passed the House by the following vote: Yeas - 59, Nays - 36, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Dickerson, Dunshee, Eddy, Ericks, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Sommers, Sullivan, Sump, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse, DeBolt, Dunn, Eickmeyer, Erickson, Grant, Haler, Hankins, Herrera, Hinkle, Hunter, Kessler, Kirby, Kretz, Kristiansen, Morris, Newhouse, Orcutt, Pearson, Quall, Ross, Schindler, Schmick, Schual-Berke, Skinner, Springer, Takko, Walsh and Warnick - 36.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 3133, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Second Engrossed Substitute House Bill No. 3133.

TROY X. KELLEY, 28th District

**HOUSE BILL NO. 2554, By Representatives Dickerson and McIntire**

**Requiring lid lift ballot propositions to expressly indicate a permanent increase to the levy base.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2554 was substituted for House Bill No. 2554 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2554 was read the second time.

Representative Orcutt moved the adoption of amendment (1212):

On page 3, after line 19, insert the following:

"**NEW SECTION. Sec. 2.** This act applies retroactively to levy lid lift ballot propositions under RCW 84.55.050 that received voter approval on or after July 22, 2007, as well as prospectively.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

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

Representative Hunter 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 Dickerson, Orcutt 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. 2554.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2554 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, 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, Skinner, Smith, Sommers, Springer,

Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 2554, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2597, By Representatives Sullivan, Pedersen, Hasegawa, Ormsby, Haigh, Chase, Green and Simpson**

**Requiring the department of early learning and the office of the superintendent of public instruction to develop a kindergarten readiness assessment.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2597 was substituted for House Bill No. 2597 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2597 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 Sullivan and Haler 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. 2597.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2597 and the bill passed the House by the following vote: Yeas - 87, Nays - 8, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, 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, Kretz, Kristiansen, Lantz, Liias, 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, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van

De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 87.

Voting nay: Representatives Ahern, Dunn, Herrera, Hinkle, Orcutt, Schindler, Schmick and Warnick - 8.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2597, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2807, By Representatives Schual-Berke, Hunt, Lantz, Cody, Hudgins, Ormsby, Miloscia, Appleton, Green, Wood, Hankins and Kagi**

**Providing for judicial candidate information in voters' pamphlets.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2807 was substituted for House Bill No. 2807 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2807 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 Schual-Berke and Chandler 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. 2807.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2807 and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, 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, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers,

Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Alexander, Armstrong, Condotta, DeBolt, Dunn, Ericksen, Herrera, Hinkle, Newhouse, Orcutt, Ross, Sump and Warnick - 14.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2807, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2809, By Representatives Sullivan, Haler, Kelley and Ormsby**

**Regarding mathematics and science teachers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2809 was substituted for House Bill No. 2809 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2809 was read the second time.

Representative Sullivan moved the adoption of amendment (1082):

On page 2, beginning on line 11, after "year." strike all material through "district" on line 15 and insert "In order for the professional educator standards board to quantify demand, each school district shall provide to the board, by a date and in a format specified by the board, the number of teachers assigned to teach mathematics and science, both with and without appropriate certification and endorsement in those subjects, and the number of mathematics and science teaching vacancies needing to be filled, and the board shall include this data, by district, in its analysis"

Representatives Sullivan and Haler 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 Sullivan and Haler 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. 2809.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2809 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2809, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3261, By Representatives Flannigan, Wallace, Jarrett, Schindler, Simpson, Clibborn, Appleton and Wood**

**Excluding public transit communications systems from the definition of a wireless communications device.**

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.

Representative Eddy 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. 3261.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 3261 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

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

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, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Absent: Representatives Rolfes and Upthegrove - 2.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 3261, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on House Bill No. 3261.

CHRISTINE ROLFES, 23<sup>rd</sup> District

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on House Bill No. 3261.

DAVID UPTHEGROVE, 33<sup>rd</sup> District

**HOUSE BILL NO. 2651, By Representatives Fromhold, Morrell, Chase, McIntire and Kenney; by request of Health Care Authority**

**Modifying requirements for participation in public employees' benefits board programs by K-12 school districts and educational service districts.**

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. 2651.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2651 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

HOUSE BILL NO. 2651, having received the necessary constitutional majority, was declared passed.

#### RECONSIDERATION

Representative Springer, having voted on the prevailing side, moved for an immediate reconsideration of the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 3131 passed the House. The motion was carried.

The Speaker (Representative Morris presiding) stated the question to be the final passage of Engrossed Substitute House Bill No. 3131 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3131, on reconsideration, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representatives Dunn, Herrera and Orcutt - 3.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3131, on reconsideration, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 3131 on reconsideration.

ED ORCUTT, 18<sup>th</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 3131 on reconsideration.

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

#### SECOND READING

**HOUSE BILL NO. 2734, By Representatives Newhouse and Hudgins**

**Encouraging the removal of artificial vertical shoreline bank structures.**

The bill was read the second time.

With the consent of the House, amendments (1261) and (1279) were withdrawn.

Representative Newhouse moved the adoption of amendment (1290):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.58 RCW to read as follows:

(1)(a) A substantial development permit is not required for development within a restoration area if the proposed project is to be located on:

(i) Shorelines designated as a high-intensity shoreline environment under the applicable master plan; or

(ii) Shorelines consistent with a high-intensity shoreline environment designation under the applicable master plan.

(b) For purposes of this section, a "restoration area" is an area that:

(i) Was created by a landward shift in the ordinary high water mark that resulted from a voluntary habitat restoration project; and

(ii) Was not subject to regulation under this chapter prior to the restoration project.

(2)(a) Requests for development approvals within restoration areas may be granted in the form of restoration project variances. Restoration project variances may be issued to authorize relief from bulk, dimension, or other master program development standards, including use regulations, if:

(i) The shift in shoreline jurisdiction resulting from the voluntary habitat restoration project causes hardship in the area within and adjacent to the restoration area. "Hardship" under this subsection means that a reasonable use of the property is precluded or significantly diminished in the area within and adjacent to the restoration area due to requirements of the applicable master program; and

(ii) The variance includes measures to ensure that allowable uses of the property under this section result in no net loss of shoreline ecological functions within the restoration area.

(b) Variances issued under this subsection (2):

(i) Must be limited to only the minimum approvals necessary to afford relief;

(ii) May not cause the public interest to suffer substantial detriment; and

(iii) Must be processed according to the same procedures used for other shoreline variances.

(3) Master programs may include provisions, including conditions of approval, areas of applicability, and other requirements, to ensure that restoration project variance processes achieve the objectives of this section."

Correct the title.

Representatives Simpson and Newhouse 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 Newhouse and Simpson 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. 2734.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2734 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED HOUSE BILL NO. 2734, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2611, By Representatives McIntire, Condotta, Hunt, Lantz, Haigh and Chase**

**Requiring annual revaluations of property for property tax purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2611 was substituted for House Bill No. 2611 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2611 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, Condotta and Takko 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. 2611.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2611 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, 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, Skinner, 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 Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 2611, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3181, By Representatives Wood, Ahern, Ormsby, Barlow, Crouse and Schindler**

**Addressing the authority of the board of directors of a public facilities district.**

The bill was read the second time.

Representative Wood moved the adoption of amendment (1291):

On page 2, beginning on line 14, strike all of section 3.

Correct the title.

Representative Wood 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 Wood and Schindler 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. 3181.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3181 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, 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, Skinner, Smith, Sommers, Springer,

Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED HOUSE BILL NO. 3181, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2903, By Representatives Lantz, Rodne, McCoy, Wallace, Moeller, Williams, O'Brien and Goodman**

**Creating an access coordinator for the administrative office of the courts.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2903 was substituted for House Bill No. 2903 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2903 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 Lantz 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 Second Substitute House Bill No. 2903.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2903 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, 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, Skinner, Smith, Sommers, Springer,

Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2903, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2438, By Representatives Kretz, Williams, Blake, McCune, Newhouse, Takko, Chandler, Condotta, Armstrong, Dunn, McDonald, Warnick and Pearson**

**Making permanent a pilot project that allows for the use of dogs to hunt cougars.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2438 was substituted for House Bill No. 2438 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2438 was read the second time.

Representative Blake moved the adoption of amendment (1285):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2007 c 178 s 1 (uncodified) is amended to read as follows:

(1)(a) The department of fish and wildlife, in cooperation and collaboration with the county legislative authorities of Ferry, Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend rules to establish a three-year pilot program within select game management units of these counties, to pursue or kill cougars with the aid of dogs.

(b) A pursuit season and a kill season with the aid of dogs must be established through the fish and wildlife commission's rulemaking process, utilizing local dangerous wildlife task teams comprised of the two collaborating authorities. The two collaborating authorities shall also develop a more effective and accurate dangerous wildlife reporting system to ensure a timely response.

(c) The pilot program's primary goals are to provide for public safety, to protect property, and to assess cougar populations.

(2) Any rules adopted by the fish and wildlife commission to establish a pilot project allowing for the pursuit or hunting of cougars with the aid of dogs under this section only must ensure that all pursuits or hunts are:

(a) Designed to protect public safety or property;

(b) Reflective of the most current cougar population data;

(c) Designed to generate data that is necessary for the department to satisfy the reporting requirements of section 3 of this act; and

(d) Consistent with any applicable recommendations emerging from research on cougar population dynamics in a multiprey environment ~~((conducted by Washington State University's~~

~~department of natural resource sciences that was))~~ funded in whole or in part by the department of fish and wildlife.

(3) The department of fish and wildlife may authorize ~~((one))~~three additional seasons in which cougars may be pursued or killed with dogs, subject to the other conditions of the pilot project. ~~((This))~~ The additional ~~((season is))~~ seasons are authorized to ~~((avoid a lag in cougar management and conditioning between the end of the third pilot cougar season and the time needed for the 2008 legislature to consider the report provided under section 3, chapter 264, Laws of 2004, and is not intended to be considered as part of the study period))~~ aid the department in the gathering of information necessary to formulate a recommendation to the legislature regarding whether a permanent program is warranted, and if so, what constraints, goals, and objectives should be included in a permanent program.

**Sec. 2.** 2007 c 178 s 2 (uncodified) is amended to read as follows:

A county legislative authority may request inclusion in the ~~((fourth and final year))~~ additional three years of the cougar control pilot project authorized by ~~((chapter 264, Laws of 2004))~~ section 1 of this act after taking the following actions:

(1) Adopting a resolution that requests inclusion in the pilot project;

(2) Documenting the need to participate in the pilot project by identifying the number of cougar/human encounters and livestock and pet depredations;

(3) Developing and agreeing to the implementation of an education program designed to disseminate to landowners and other citizens information about predator exclusion techniques and devices and other nonlethal methods of cougar management; and

(4) Demonstrating that existing cougar depredation permits, public safety cougar hunts, or other existing wildlife management tools have not been sufficient to deal with cougar incidents in the county."

Representatives Blake and Kretz 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 Kretz and Blake 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. 2438.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2438 and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Linville, McCune, McDonald, Moeller, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Rodne, Ross, Schindler, Schmick, Sells, Skinner, Smith, Springer, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Appleton, Cody, Dunshee, Goodman, Green, Hudgins, Hunt, Hunter, Kagi, Lantz, Lias, Loomis, McCoy, McIntire, Miloscia, Morrell, Morris, Nelson, Pedersen, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Simpson, Sommers, Sullivan and Upthegrove - 29.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2452, By Representatives Appleton, Campbell, Rolfes, Seaquist, Barlow, McCoy, Upthegrove, Hunt, Chase, Lantz, McIntire, Haigh and Nelson**

**Creating a wildlife rehabilitation advisory committee.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2452 was substituted for House Bill No. 2452 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2452 was read the second time.

With the consent of the House, amendments (1287), (1277), (1278), (1286) and (1288) were withdrawn.

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 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 Substitute House Bill No. 2452.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2452 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, 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, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 2452, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3137, By Representatives DeBolt, Kessler, Orcutt, Alexander, Hunt, Blake, Williams, Rolfes, Loomis, Sullivan, Van De Wege, Haler, Kelley, Dunn, Kretz, Ross, Bailey, McCune, Skinner, Herrera and Ormsby**

**Providing property tax relief for property damaged in the 2007 floods.**

The bill was read the second time.

Representative Hunter moved the adoption of amendment (1280):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.36 RCW to read as follows:

(1) Subject to the requirements of this section, farm and agricultural land subject to valuation under chapter 84.34 RCW is exempt from property taxes for three years.

(2) The farm and agricultural land must be located in a county designated as a disaster area.

(3) The exemption under this section applies to taxes levied for collection in 2008, 2009, and 2010. Any property taxes paid during calendar year 2008 on land eligible for the exemption under this section may be refunded under RCW 84.69.020.

(4) The severe storms and flooding occurring in December 2007 must have rendered at least twenty-five percent of the land unsuitable for the production of livestock or agricultural commodities in the immediately subsequent growing season.

(5) A property owner must file an application by the end of calendar year 2008. An application shall be filed with the county

assessor on forms prescribed by the department of revenue and furnished by the assessor. The assessor shall verify and approve applications as the assessor determines to be justified and in accordance with this section.

(6) The definitions in this subsection apply throughout this section.

(a) "Farm and agricultural land" has the meaning provided in RCW 84.34.020.

(b) "Disaster area" means a county designated by the president of the United States as a disaster area from severe storms and flooding occurring in December 2007 where citizens of the county are eligible for individual assistance under the federal emergency management act.

**Sec. 2.** RCW 84.69.020 and 2005 c 502 s 9 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once;
- (2) Paid as a result of manifest error in description;
- (3) Paid as a result of a clerical error in extending the tax rolls;
- (4) Paid as a result of other clerical errors in listing property;
- (5) Paid with respect to improvements which did not exist on assessment date;
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;
- (8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board(~~(-PROVIDED, That))~~. However, the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy(~~(-PROVIDED, HOWEVER, That))~~. However, the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;
- (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive(~~(-PROVIDED, That))~~. However, the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;
- (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

(14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

(15) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; (~~(or)~~)

(16) Abated under RCW 84.70.010; or

(17) Paid on the basis of property exempted later in the calendar year under section 1 of this act.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection (8) of this section made by a third party payee shall be granted. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Hunter and DeBolt 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 DeBolt 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 Engrossed House Bill No. 3137.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3137 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, 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, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED HOUSE BILL NO. 3137, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2525, By Representatives Pearson, Kretz, Kristiansen and Ross**

**Allowing for the mitigation of flood damage without obtaining a permit under chapter 77.55 RCW.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2525 was substituted for House Bill No. 2525 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2525 was read the second time.

With the consent of the House, amendments (987) and (991) were withdrawn.

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

Representatives Pearson and Blake 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. 2525.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2525 and the bill passed the House by the following vote: Yeas - 87, Nays - 8, Absent - 0, Excused - 3.

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

DeBolt, Dickerson, Dunn, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Skinner, Smith, Sommers, Springer, Sullivan, Sump, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 87.

Voting nay: Representatives Cody, Dunshee, Hudgins, Kagi, McCoy, Nelson, Simpson and Upthegrove - 8.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

SUBSTITUTE HOUSE BILL NO. 2525, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2815, By Representatives Dunshee, Priest, Linville, Upthegrove, Nelson, Goodman, Hurst, Lantz, Hunt, Cody, McCoy, Quall, Pettigrew, Fromhold, Dickerson, Darneille, Appleton, Green, Sells, Pedersen, Jarrett, Conway, Morrell, Miloscia, Sullivan, Schual-Berke, McIntire, Williams, Hudgins, Simpson, Ericks, Van De Wege and Ormsby; by request of Governor Gregoire**

**Providing a framework for reducing greenhouse gas emissions in the Washington economy.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2815 was substituted for House Bill No. 2815 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2815 was read the second time.

Representative Upthegrove moved the adoption of amendment (1234):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in section 3 of this act, participating in the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, and ensuring the state has a well trained workforce for our clean energy future.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in section 3 of this act; (b) minimize the potential to export pollution, jobs, and economic opportunities; and (c) reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take advantage of the low-carbon economy and to make necessary investments in low-carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions portfolio, including the state's hydroelectric system, the opportunities presented by Washington's abundant forest resources and agriculture land, and the state's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If the state pursues an alternative market system using direct price signals, it is the intent of the legislature that the system preserve Washington's existing competitive advantages, recognize the state's unique emissions portfolio, and acknowledge the actions the state has already taken to reduce its generation of emissions of greenhouse gases.

(7) If any revenues that accrue to the state are created by a market system, they must be used to further the state's efforts to achieve the goals established in section 3 of this act, address the impacts of global warming on affected habitats, species, and communities, and increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

(3) "Climate impacts group" means the University of Washington's climate impacts group.

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

(5) "Direct emissions" means emissions of greenhouse gases from sources of emissions, including stationary combustion sources, mobile combustion emissions, process emissions, and fugitive emissions.

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

(7) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(8) "Indirect emissions" means emissions of greenhouse gases associated with the purchase of electricity, heating, cooling, or steam.

(9) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

(10) "Program" means the department's climate change program.

(11) "Total emissions of greenhouse gases" means all direct emissions and all indirect emissions.

(12) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western regional climate action initiative signed by the governor on February 22, 2007.

**NEW SECTION. Sec. 3.** (1)(a) The department shall use its existing statutory authority and any additional authority granted by the legislature to limit emissions of greenhouse gases to achieve the following emission reductions for Washington state:

(i) By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels;

(ii) By 2035, reduce overall emissions of greenhouse gases in the state to twenty-five percent below 1990 levels;

(iii) By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year.

(b) Consistent with this directive, the department shall take the following actions:

(i) Develop and implement a system for monitoring and reporting emissions of greenhouse gases as required under RCW 70.94.151; and

(ii) Track progress toward meeting the emission reductions established in this subsection, including the results from policies currently in effect that have been previously adopted by the state and policies adopted in the future, and report on that progress.

(2) By December 31st of each even-numbered year beginning in 2010, the department and the department of community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total emissions of greenhouse gases for the preceding two years, and totals in each major source sector. The department shall ensure the reporting rules adopted under RCW 70.94.151 allow it to develop a comprehensive inventory of emissions of greenhouse gases from all significant sectors of the Washington economy.

(3) Except for purposes of reporting, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood byproducts, and wood residuals shall not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

**NEW SECTION. Sec. 4.** (1)(a) The director shall develop, in coordination with the western climate initiative, a design for a regional multisector market-based system to limit and reduce emissions of greenhouse gas consistent with the emission reductions established in section 3(1) of this act.

(b) By December 1, 2008, the director and the director of the department of community, trade, and economic development shall deliver to the legislature specific recommendations for approval and request for authority to implement the preferred design of a regional multisector market-based system in (a) of this subsection. These recommendations must include:

(i) Proposed legislation, necessary funding, and the schedule necessary to implement the preferred design by January 1, 2012;

(ii) Any changes determined necessary to the reporting requirements established under RCW 70.94.151; and

(iii) Actions that the state should take to prevent manipulation of the multisector market-based system designed under this section.

(2) In developing the design for the regional multisector market-based system under subsections (1) and (3) of this section, the department shall consult with the affected state agencies, and provide opportunity for public review and comment.

(3) In addition to the requirements of section 3(1) of this act, the department and the department of revenue shall provide by December 1, 2008, a report to the legislature on the potential design and implementation of other strategies to achieve the greenhouse gas emissions reductions required in section 3 of this act. Strategies must include, but not be limited to, direct price signals that may be implemented in ways that are integrated with the program developed under section 3(1) of this act. The report shall address the point at which the direct price signal should be applied, how businesses and consumers would be affected, how strategies could be designed and implemented to maximize efficiency and simplicity, and how strategies using direct price signals could be implemented with a similar regional or national direct price signal should one be authorized.

(4) In addition to the information required under subsection (1)(b) of this section, the director and the director of the department of community, trade, and economic development shall submit the following to the legislature by December 1, 2008:

(a) Information on progress to date in achieving the requirements of this act;

(b) The final recommendations of the climate advisory team, including recommended most promising actions to reduce emissions of greenhouse gases or otherwise respond to climate change. These recommendations must include strategies to reduce the quantity of emissions of greenhouse gases per distance traveled in the transportation sector;

(c) A request for additional resources and statutory authority needed to limit and reduce emissions of greenhouse gas consistent with this act including implementation of the most promising recommendations of the climate advisory team;

(d) Recommendations on how local governments could participate in the multisector market-based system designed under subsection (1) of this section;

(e) Recommendations regarding the circumstances under which generation of electricity or alternative fuel from landfill gas and gas from anaerobic digesters may receive an offset or credit in the regional multisector market-based system or other strategies developed by the department; and

(f) Recommendations developed in consultation with the department of natural resources and the department of agriculture with the climate advisory team and the college of forest resources at the University of Washington and a nonprofit consortium involved in research on renewable industrial materials, regarding how forestry and agricultural lands and practices may participate voluntarily as an offset or other credit program in the regional multisector market-based system. The recommendations must ensure that the baseline for this offset or credit program does not disadvantage this state in relation to another state or states. These recommendations shall address:

(i) Commercial and other working forests, including accounting for site-class specific forest management practices;

(ii) Agricultural and forest products, including accounting for substitution of wood for fossil intensive substitutes;

(iii) Agricultural land and practices;

(iv) Forest and agricultural lands set aside or managed for conservation as of, or after, the effective date of this section; and

(v) Reforestation and afforestation projects.

**Sec. 5.** RCW 70.94.151 and 2005 c 138 s 1 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration ~~(and)~~ or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in section 2 of this act the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in section 2 of this act must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after

January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring the reporting of emissions of greenhouse gases as defined in section 2 of this act. The rules must include a de minimis amount of emissions below which reporting will not be required for both indirect and direct emissions. The rules must require that emissions of greenhouse gases resulting from the burning of fossil fuels be reported separately from emissions of greenhouse gases resulting from the burning of biomass. Except as provided in (b) of this subsection, the department shall, under the authority granted in subsection (1) of this section, adopt rules requiring any owner or operator: (i) Of a fleet of on-road motor vehicles that as a fleet emit at least twenty-five hundred metric tons of greenhouse gas annually in the state to report the emissions of greenhouse gases generated from or emitted by that fleet; or (ii) of a source or combination of sources that emit at least ten thousand metric tons of greenhouse gas annually in the state to report their total annual emissions of greenhouse gases. In calculating emissions of greenhouse gases for purposes of determining whether or not reporting is required, only direct emissions shall be included. For purposes of reporting emissions of greenhouse gases in this act, "source" means any stationary source as defined in RCW 70.94.030, or mobile source used for transportation of people or cargo. The emissions of greenhouse gases must be reported as carbon dioxide equivalents. The rules must require that persons report 2009 emissions starting in 2010. The rules must establish an annual reporting schedule that takes into account the time needed to allow the owner or operator reporting emissions of greenhouse gases to gather the information needed and to verify the emissions being reported. However, in no event may reports be submitted later than October 31st of the year in which the report is due. The department may phase in the reporting requirements for sources or combinations of sources under (a)(ii) of this subsection until the reporting threshold is met, which must be met by January 1, 2012. The department may from time to time amend the rules to include other persons that emit less than the annual greenhouse gas emissions levels set out in this subsection if necessary to comply with any federal reporting requirements for emissions of greenhouse gases.

(b) In its rules, the department may defer the reporting requirement under (a) of this subsection for emissions associated with interstate and international commercial aircraft, rail, or marine vessels until (i) there is a federal requirement to report these emissions; or (ii) the department finds that there is a generally accepted reporting protocol for determining interstate emissions from these sources.

(c) The department shall share any reporting information reported to it with the local air authority in which the owner or operator reporting under the rules adopted by the department operates.

(d) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Owners and operators required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements unless it approves a local air authority's request to enforce the requirements for sources operating within the authority's jurisdiction.

(e) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(f) In developing its rules, the department shall, with the assistance of the department of transportation, identify a mechanism to report an aggregate estimate of the annual emissions of greenhouse gases generated from or emitted by otherwise unreported on-road motor vehicles.

(g) The inclusion or failure to include any person, source, classes of persons or sources, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person, source, or category is appropriate for inclusion in the multisector market-based system designed under section 3 of this act.

(h) Should the federal government adopt rules sufficient to track progress toward the emissions reductions required by this act governing the reporting of greenhouse gases, the department shall amend its rules, as necessary, to seek consistency with the federal rules to ensure duplicate reporting is not required. Nothing in this section requires the department to increase the reporting threshold established in (a) of this subsection or otherwise require the department's rules be identical to the federal rules in scope.

(i) The definitions in section 2 of this act apply throughout this subsection (5) unless the context clearly requires otherwise.

**Sec. 6.** RCW 70.94.161 and 1993 c 252 s 5 are each amended to read as follows:

The department of ecology, or board of an authority, shall require renewable permits for the operation of air contaminant sources subject to the following conditions and limitations:

(1) Permits shall be issued for a term of five years. A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the federal clean air act. The rules adopted pursuant to subsection (2) of this section shall include

rules for permit amendments and modifications. The terms and conditions of a permit shall remain in effect after the permit itself expires if the permittee submits a timely and complete application for permit renewal.

(2)(a) Rules establishing the elements for a statewide operating permit program and the process for permit application and renewal consistent with federal requirements shall be established by the department by January 1, 1993. The rules shall provide that every proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority. The permit program established by these rules shall be administered by the department and delegated local air authorities. Rules developed under this subsection shall not preclude a delegated local air authority from including in a permit its own more stringent emission standards and operating restrictions.

(b) The board of any local air pollution control authority may apply to the department of ecology for a delegation order authorizing the local authority to administer the operating permit program for sources under that authority's jurisdiction. The department shall, by order, approve such delegation, if the department finds that the local authority has the technical and financial resources, to discharge the responsibilities of a permitting authority under the federal clean air act. A delegation request shall include adequate information about the local authority's resources to enable the department to make the findings required by this subsection(~~(, provided)~~). However, any delegation order issued under this subsection shall take effect ninety days after the environmental protection agency authorizes the local authority to issue operating permits under the federal clean air act.

(c) Except for the authority granted the energy facility site evaluation council to issue permits for the new construction, reconstruction, or enlargement or operation of new energy facilities under chapter 80.50 RCW, the department may exercise the authority, as delegated by the environmental protection agency, to administer Title IV of the federal clean air act as amended and to delegate such administration to local authorities as applicable pursuant to (b) of this subsection.

(3) In establishing technical standards, defined in RCW 70.94.030, the permitting authority shall consider and, if found to be appropriate, give credit for waste reduction within the process.

(4) Operating permits shall apply to all sources (a) where required by the federal clean air act, and (b) for any source that may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare. Subsection (b) of this subsection is not intended to apply to small businesses except when both of the following limitations are satisfied: (i) The source is in an area exceeding or threatening to exceed federal or state air quality standards; and (ii) the department provides a reasonable justification that requiring a source to have a permit is necessary to meet a federal or state air quality standard, or to prevent exceeding a standard in an area threatening to exceed the standard. For purposes of this subsection "areas threatening to exceed air quality standards" shall mean areas projected by the department to exceed such standards within five years. Prior to identifying threatened areas the department shall hold a public hearing or hearings within the proposed areas.

(5) Sources operated by government agencies are not exempt under this section.

(6) Within one hundred eighty days after the United States environmental protection agency approves the state operating permit program, a person required to have a permit shall submit to the permitting authority a compliance plan and permit application, signed by a responsible official, certifying the accuracy of the information

submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided that such sources submit complete and timely permit applications.

(7) All draft permits shall be subject to public notice and comment. The rules adopted pursuant to subsection (2) of this section shall specify procedures for public notice and comment. Such procedures shall provide the permitting agency with an opportunity to respond to comments received from interested parties prior to the time that the proposed permit is submitted to the environmental protection agency for review pursuant to section 505(a) of the federal clean air act. In the event that the environmental protection agency objects to a proposed permit pursuant to section 505(b) of the federal clean air act, the permitting authority shall not issue the permit, unless the permittee consents to the changes required by the environmental protection agency.

(8) The procedures contained in chapter 43.21B RCW shall apply to permit appeals. The pollution control hearings board may stay the effectiveness of any permit issued under this section during the pendency of an appeal filed by the permittee, if the permittee demonstrates that compliance with the permit during the pendency of the appeal would require significant expenditures that would not be necessary in the event that the permittee prevailed on the merits of the appeal.

(9) After the effective date of any permit program promulgated under this section, it shall be unlawful for any person to: (a) Operate a permitted source in violation of any requirement of a permit issued under this section; or (b) fail to submit a permit application at the time required by rules adopted under subsection (2) of this section.

(10) Each air operating permit shall state the origin of and specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

(a) The federal clean air act and rules implementing that act, including provision of the approved state implementation plan;

(b) This chapter and rules adopted thereunder;

(c) In permits issued by a local air pollution control authority, the requirements of any order or regulation adopted by that authority;

(d) Chapter 70.98 RCW and rules adopted thereunder; and

(e) Chapter 80.50 RCW and rules adopted thereunder.

(11) Consistent with the provisions of the federal clean air act, the permitting authority may issue general permits covering categories of permitted sources, and temporary permits authorizing emissions from similar operations at multiple temporary locations.

(12) Permit program sources within the territorial jurisdiction of an authority delegated the operating permit program shall file their permit applications with that authority, except that permit applications for sources regulated on a statewide basis pursuant to RCW 70.94.395 shall be filed with the department. Permit program sources outside the territorial jurisdiction of a delegated authority shall file their applications with the department. Permit program sources subject to chapter 80.50 RCW shall, irrespective of their location, file their applications with the energy facility site evaluation council.

(13) When issuing operating permits to coal fired electric generating plants, the permitting authority shall establish requirements consistent with Title IV of the federal clean air act.

(14)(a) The department and the local air authorities are authorized to assess and to collect, and each source emitting one hundred tons or more per year of a regulated pollutant shall pay an interim assessment to fund the development of the operating permit program during fiscal year 1994.

(b) The department shall conduct a workload analysis and prepare an operating permit program development budget for fiscal year 1994. The department shall allocate among all sources emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 the costs identified in its program development budget according to a three-tiered model, with each of the three tiers being equally weighted, based upon:

- (i) The number of sources;
- (ii) The complexity of sources; and
- (iii) The size of sources, as measured by the quantity of each regulated pollutant emitted by the source.

(c) Each local authority and the department shall collect from sources under their respective jurisdictions the interim fee determined by the department and shall remit the fee to the department.

(d) Each local authority may, in addition, allocate its fiscal year 1994 operating permit program development costs among the sources under its jurisdiction emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 and may collect an interim fee from these sources. A fee assessed pursuant to this subsection (14)(d) shall be collected at the same time as the fee assessed pursuant to (c) of this subsection.

(e) The fees assessed to a source under this subsection shall be limited to the first seven thousand five hundred tons for each regulated pollutant per year.

(15)(a) The department shall determine the persons liable for the fee imposed by subsection (14) of this section, compute the fee, and provide by November 1 ((of)), 1993, the identity of the fee payer with the computation of the fee to each local authority and to the department of revenue for collection. The department of revenue shall collect the fee computed by the department from the fee payers under the jurisdiction of the department. The administrative, collection, and penalty provisions of chapter 82.32 RCW shall apply to the collection of the fee by the department of revenue. The department shall provide technical assistance to the department of revenue for decisions made by the department of revenue pursuant to RCW 82.32.160 and 82.32.170. All interim fees collected by the department of revenue on behalf of the department and all interim fees collected by local authorities on behalf of the department shall be deposited in the air operating permit account. The interim fees collected by the local air authorities to cover their permit program development costs under subsection (14)(d) of this section shall be deposited in the dedicated accounts of their respective treasuries.

(b) All fees identified in this section shall be due and payable on March 1 ((of)), 1994, except that the local air pollution control authorities may adopt by rule an earlier date on which fees are to be due and payable. The section 5, chapter 252, Laws of 1993 amendments to RCW 70.94.161 do not have the effect of terminating, or in any way modifying, any liability, civil or criminal, incurred pursuant to the provisions of RCW 70.94.161 (15) and (17) as they existed prior to July 25, 1993.

(16) For sources or source categories not required to obtain permits under subsection (4) of this section, the department or local authority may establish by rule control technology requirements. If control technology rule revisions are made by the department or local authority under this subsection, the department or local authority shall consider the remaining useful life of control equipment previously installed on existing sources before requiring technology changes. The department or any local air authority may issue a general permit, as authorized under the federal clean air act, for such sources.

(17) Emissions of greenhouse gases as defined in section 2 of this act must be reported as required by RCW 70.94.151. The

reporting provisions of RCW 70.94.151 shall not apply to any other emissions from any permit program source after the effective date of United States environmental protection agency approval of the state operating permit program.

NEW SECTION. Sec. 7. Within eighteen months of the next and each successive global or national assessment of climate change science, the department shall consult with the climate impacts group at the University of Washington regarding the science on human-caused climate change and provide a report to the legislature summarizing that science and make recommendations regarding whether the greenhouse gas emissions reductions required under section 3 of this act need to be updated.

NEW SECTION. Sec. 8. A new section is added to chapter 47.01 RCW to read as follows:

To support the implementation of RCW 47.04.280 and 47.01.078(4), the department shall adopt broad statewide goals to reduce annual per capita vehicle miles traveled by 2050 consistent with the stated goals of executive order 07-02. Consistent with these goals, the department shall:

(1) Establish the following benchmarks using a statewide baseline of seventy-five billion vehicle miles traveled less the vehicle miles traveled attributable to vehicles licensed under RCW 46.16.070 and weighing ten thousand pounds or more, which are exempt from this section:

(a) Decrease the annual per capita vehicle miles traveled by eighteen percent by 2020;

(b) Decrease the annual per capita vehicle miles traveled by thirty percent by 2035; and

(c) Decrease the annual per capita vehicle miles traveled by fifty percent by 2050;

(2) By July 1, 2008, establish and convene a collaborative process to develop a set of tools and best practices to assist state, regional, and local entities in making progress towards the benchmarks established in subsection (1) of this section. The collaborative process must provide an opportunity for public review and comment and must:

(a) Be jointly facilitated by the department, the department of ecology, and the department of community, trade, and economic development;

(b) Provide for participation from regional transportation planning organizations, the Washington state transit association, the Puget Sound clean air agency, a statewide business organization representing the sale of motor vehicles, at least one major private employer that participates in the commute trip reduction program, and other interested parties, including but not limited to parties representing diverse perspectives on issues relating to growth, development, and transportation;

(c) Identify current strategies to reduce vehicle miles traveled in the state as well as successful strategies in other jurisdictions that may be applicable in the state;

(d) Identify potential new revenue options for local and regional governments to authorize to finance vehicle miles traveled reduction efforts;

(e) Provide for the development of measurement tools that can, with a high level of confidence, measure annual progress toward the benchmarks at the local, regional, and state levels, measure the effects of strategies implemented to reduce vehicle miles traveled and adequately distinguish between common travel purposes, such as moving freight or commuting to work, and measure trends of vehicle miles traveled per capita on a five-year basis;

(f) Establish a process for the department to periodically evaluate progress toward the vehicle miles traveled benchmarks, measure achieved and projected emissions reductions, and recommend whether the benchmarks should be adjusted to meet the state's overall goals for the reduction of greenhouse gas emissions;

(g) Estimate the projected reductions in greenhouse gas emissions if the benchmarks are achieved, taking into account the expected implementation of existing state and federal mandates for vehicle technology and fuels, as well as expected growth in population and vehicle travel;

(h) Examine access to public transportation for people living in areas with affordable housing to and from employment centers, and make recommendations for steps necessary to ensure that areas with affordable housing are served by adequate levels of public transportation; and

(i) By December 1, 2008, provide a report to the transportation committees of the legislature on the collaborative process and resulting recommended tools and best practices to achieve the reduction in annual per capita vehicle miles traveled goals.

(3) Included in the December 1, 2008, report to the transportation committees of the legislature, the department shall identify strategies to reduce vehicle miles traveled in the state as well as successful strategies in other jurisdictions that may be applicable in the state that recognize the differing urban and rural transportation requirements.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The legislature establishes a comprehensive green economy jobs growth initiative based on the goal of, by 2020, increasing the number of green economy jobs to twenty-five thousand from the eight thousand four hundred green economy jobs the state had in 2004.

(2) The department, in consultation with the employment security department, the state workforce training and education coordinating board, the state board of community and technical colleges, and the higher education coordinating board, shall develop a defined list of terms, consistent with current workforce and economic development terms, associated with green economy industries and jobs.

(3)(a) The employment security department, in consultation with the department, the state workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, and the Washington State University extension energy program, shall conduct labor market research to analyze the current labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of green economy industry employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries.

(b) The University of Washington business and economic development center shall: Analyze the current opportunities for and participation in the green economy by minority and women-owned business enterprises in Washington; identify existing barriers to their successful participation in the green economy; and develop strategies with specific policy recommendations to improve their successful participation in the green economy. The research may be informed by the research of the Puget Sound regional council prosperity partnership, as well as other entities. The University of Washington business and economic development center shall report to the appropriate committees of the house of representatives and the senate

on their research, analysis, and recommendations by December 1, 2008.

(4) Based on the findings from subsection (3) of this section, the employment security department, in consultation with the department and taking into account the requirements and goals of this act and other state clean energy and energy efficiency policies, shall propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy. The employment security department and the department shall take into account which jobs within green economy industries will be considered high-wage occupations and occupations that are part of career pathways to the same, based on family-sustaining wage and benefits ranges. These designations, and the results of the employment security department's broader labor market research, shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.

(5) The department shall identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270.

(6) The department, consistent with the priorities established by the state economic development commission, shall:

(a) Develop targeting criteria for existing investments, and make recommendations for new or expanded financial incentives and comprehensive strategies, to recruit, retain, and expand green economy industries; and

(b) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation, including designating innovation partnership zones linked to the green economy.

(7) For the purposes of this section, "target populations" means (a) entry-level or incumbent workers in high-demand green industries who are in, or are preparing for, high-wage occupations; (b) dislocated workers in declining industries who may be retrained for high-wage occupations in high-demand green industries; (c) dislocated agriculture, timber, or energy sector workers who may be retrained for high-wage occupations in high-demand green industries; (d) eligible veterans or national guard members; (e) disadvantaged populations; or (f) anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(8) The legislature directs the state workforce training and education coordinating board to create and pilot green industry skill panels. These panels shall consist of business representatives from industry sectors related to clean energy, labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries, state and local veterans agencies, employer associations, educational institutions, and local workforce development councils within the region that the panels propose to operate, and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for high-wage occupations, or occupations that are part of

career pathways to the same, within the relevant industry sector. The panel shall:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) Plan strategies to meet the recruitment and training needs of the industry; and

(c) Leverage and align other public and private funding sources.

(9) The green industries jobs training account is created in the state treasury. Moneys from the account must be utilized to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this subsection. The state board for community and technical colleges, in consultation with the state workforce training and education coordinating board, informed by the research of the employment security department and the strategies developed in this section, may authorize expenditures from the account. The state board for community and technical colleges must distribute grants from the account on a competitive basis.

(a)(i) Allowable uses of these grant funds, which should be used when other public or private funds are insufficient or unavailable, may include:

(A) Curriculum development;

(B) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;

(C) Workforce education to target populations; and

(D) Adult basic and remedial education as necessary linked to occupation skills training.

(ii) Allowable uses of these grant funds do not include student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(b) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

(i) Implementing effective education and training programs that meet industry demand; and

(ii) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(c) In awarding grants from the green industries jobs training account, the state board for community and technical colleges shall give priority to applicants that demonstrate the ability to:

(i) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise utilize strategies developed by green industry skills panels;

(ii) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(iii) Work collaboratively with other relevant stakeholders in the regional economy;

(iv) Link adult basic and remedial education, where necessary, with occupation skills training;

(v) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(vi) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by

organizations with direct access to and experience with the targeted population of workers.

**Sec. 10.** RCW 28B.50.273 and 2007 c 277 s 201 are each amended to read as follows:

The college board, in partnership with business, labor, and the workforce training and education coordinating board, shall:

(1) Identify job-specific training programs offered by qualified postsecondary institutions that lead to a credential, certificate, or degree in green industry occupations as established in this act, and other high demand occupations, which are occupations where data show that employer demand for workers exceeds the supply of qualified job applicants throughout the state or in a specific region, and where training capacity is underutilized;

(2) Gain recognition of the credentials, certificates, and degrees by Washington's employers and labor organizations. The college board shall designate these recognized credentials, certificates, and degrees as "opportunity grant-eligible programs of study"; and

(3) Market the credentials, certificates, and degrees to potential students, businesses, and apprenticeship programs as a way for individuals to advance in their careers and to better meet the needs of industry.

NEW SECTION. **Sec. 11.** Except where explicitly stated otherwise, nothing in this act alters or limits any authorities of the department as they existed prior to of the effective date of this section.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** RCW 80.80.020 (Greenhouse gases emissions reduction--Clean energy economy--Goals--Reports) and 2007 c 307 s 3 are each repealed.

NEW SECTION. **Sec. 14.** Sections 1 through 4, 7, 11, and 12 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 15.** 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 Upthegrove moved the adoption of amendment (1293) to amendment (1234):

On page 2, at the beginning of line 12, strike all material through "gases." on line 17

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

On page 3, line 19, after "(1)(a)" strike all material through "increased." on page 4, line 16 and insert "The state shall limit emissions of greenhouse gases to achieve the following emission reductions for Washington state:

(i) By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels;

(ii) By 2035, reduce overall emissions of greenhouse gases in the state to twenty-five percent below 1990 levels;

(iii) By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year.

(b) By December 1, 2008, the department shall submit a greenhouse gas reduction plan for review and approval to the legislature, describing those actions necessary to achieve the emission reductions in subsection 1(a) in this section by using existing statutory authority and any additional authority granted by the legislature. Actions taken using existing statutory authority may proceed prior to approval of the greenhouse gas reduction plan.

(c) Except where explicitly stated otherwise, nothing in this act limits any state agency authorities as they existed prior to the effective date of this section.

(d) Consistent with this directive, the department shall take the following actions:

(i) Develop and implement a system for monitoring and reporting emissions of greenhouse gases as required under RCW 70.94.151; and

(ii) Track progress toward meeting the emission reductions established in this subsection, including the results from policies currently in effect that have been previously adopted by the state and policies adopted in the future, and report on that progress.

(2) By December 31st of each even-numbered year beginning in 2010, the department and the department of community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total emissions of greenhouse gases for the preceding two years, and totals in each major source sector. The department shall ensure the reporting rules adopted under RCW 70.94.151 allow it to develop a comprehensive inventory of emissions of greenhouse gases from all significant sectors of the Washington economy.

(3) Except for purposes of reporting, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood byproducts, and wood residuals shall not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased."

On page 5, at the beginning of line 1, strike all material through "authorized." on line 13

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

Representatives Upthegrove and Ericksen spoke in favor of the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was adopted.

Representative Anderson moved the adoption of amendment (1294) to amendment (1234):

On page 2, line 20, after "act," insert "retrain workers that have been displaced by the effects of the market system's implementation,"

Representative Anderson spoke in favor of the adoption of the amendment to amendment (1234).

Representative Upthegrove spoke against the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was not adopted.

Representative Ericksen moved the adoption of amendment (1299) to amendment (1234):

On page 3, beginning on line 19 of the amendment, after "Sec. 3." strike all material through "(3)" on page 4, line 12 of the amendment

Representative Ericksen spoke in favor of the adoption of the amendment to amendment (1234).

Representatives Dunshee spoke against the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was not adopted.

Representative Anderson moved the adoption of amendment (1296) to amendment (1234):

On page 5, after line 29, insert  
 "(d) Recommendations on how projects funded by the green energy incentive account in RCW 11.110.050 may be used to expand the electrical transmission infrastructure into urban and rural areas of the state for purposes of allowing the recharging of plug-in hybrid electric vehicles;"

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

Representatives Anderson and Upthegrove spoke in favor of the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was not adopted.

Representative Chase moved the adoption of amendment (1249) to amendment (1234):

On page 6, line 3, after "team" strike "and" and insert ","

On page 6, line 4, after "Washington" insert ", and the Washington State University,"

On page 18, line 31, after "board," insert "Washington State University small business development center,"

On page 19, line 38, after "industries" insert "and small businesses"

On page 20, line 37, after "industry" insert "and small businesses"

Representatives Chase and Dunshee spoke in favor of the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was adopted.

Representative Anderson moved the adoption of amendment (1295) to amendment (1234):

On page 6, after line 18, insert

"(5) The department, in coordination with the department of community, trade and economic development and a broad cross section of private industry, shall chair and convene a growth management needs and priorities task force for the purpose of providing recommendations on how to improve the effectiveness of the growth management act's goals set forth in 36.70A RCW while achieving the reduction of greenhouse gas emissions as required in this act. These recommendations shall be submitted to the legislature by Dec 1, 2008 and prior to any implementation of this act."

Representative Anderson spoke in favor of the adoption of the amendment to amendment (1234).

Representative Upthegrove spoke against the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was not adopted.

Representative Armstrong moved the adoption of amendment (1292) to amendment (1234):

On page 9, line 22 of the amendment, after "rail," insert "truck,"

Representatives Armstrong and Upthegrove spoke in favor of the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was adopted.

Representative Smith moved the adoption of amendment (1282) to amendment (1234):

On page 18, after line 15, insert the following:

"(4) Prior to implementation of the goals in this section, the department, in consultation with the department of community, trade, and economic development, cities, counties, local economic development organizations, and local and regional chambers of commerce, shall provide a report to the appropriate committees of the legislature on the anticipated impacts of the goals established in this section on the following:

(a) The economic hardship on small businesses as it relates to the ability to hire and retain workers who do not reside in the county in which they are employed;

(b) Impacts on low-income residents;

(c) Impacts on agricultural employers and their employees, especially on the migrant farmworker community;

(d) Impacts on distressed rural counties; and

(e) Impacts in counties with more than fifty percent of the land base of the county in public or tribal lands."

Representatives Smith and Upthegrove spoke in favor of the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was adopted.

Representative Anderson moved the adoption of amendment (1297) to amendment (1234):

On page 18, after line 15, insert the following:

"**NEW SECTION. Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed to offset the administrative burden of complying with the annual reporting requirements under RCW 70.94.151(5). The amount of the credit is equal to the cost of complying with these annual reporting requirements in the year in which the credit is claimed. A company may claim a credit under this section only if the company has submitted a report to the department of ecology or the energy facility site evaluation council under RCW 70.94.151(5) in the same calendar year in which the credit is claimed.

(2) A credit earned during one calendar year may be carried over to be credited against taxes incurred in subsequent years. No refunds may be granted for credits under this section."

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

Representative Anderson spoke in favor of the adoption of the amendment to amendment (1234).

Representative Dunshee spoke against the adoption of the amendment to amendment (1234).

The amendment to amendment (1234) was not adopted.

The question before the House was adoption of amendment (1234) as amended.

Representative Upthegrove spoke in favor of the adoption of amendment (1234) as amended.

The amendment (1234) as amended was adopted.

With the consent of the House, amendment (1128) was withdrawn.

Representative Ericksen moved the adoption of amendment (1298):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by developing and implementing a system for monitoring and reporting greenhouse gas emissions, participating in the design of a regional multisector market-based system, and ensuring the state has a well-trained workforce for our clean energy future.

(3) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well-positioned to take advantage of the low-carbon economy and to make necessary investments in low-carbon technology.

(4) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions portfolio, including the state's hydroelectric system, the opportunities presented by Washington's abundant forest resources and agriculture land, and the state's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(5) If any revenues that accrue to the state are created by a market system, they must be used to further the state's efforts to increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

(6) It is the policy of the state to participate in the development of a federal climate change program and in doing so shall seek consistency to avoid duplication and to avoid any federal preemption of the state's climate change program.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

(3) "Climate impacts group" means the University of Washington's climate impacts group.

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

(5) "Direct emissions" means emissions of greenhouse gases from sources of emissions, including stationary combustion sources, mobile combustion emissions, process emissions, and fugitive emissions.

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

(7) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and except for purposes of reporting, does not include emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood and wood waste that is offset by the growth of new biomass.

(8) "Indirect emissions" means emissions of greenhouse gases associated with the purchase of electricity, heating, cooling, or steam.

(9) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

(10) "Program" means the department's climate change program.

(11) "Total emissions of greenhouse gases" means all direct emissions and all indirect emissions.

(12) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western regional climate action initiative signed by the governor on February 22, 2007.

**NEW SECTION. Sec. 3.** (1)(a) The director shall develop, in coordination with the western climate initiative, a design for a regional multisector market-based system to limit and reduce emissions of greenhouse gases.

(b) By December 1, 2008, the director and the director of the department of community, trade, and economic development shall deliver to the legislature specific recommendations for implementing the preferred design of a regional multisector market-based system. These recommendations must include:

(i) Proposed legislation, necessary funding, and the schedule necessary to implement the preferred design by January 1, 2012;

(ii) Any changes determined necessary to the reporting requirements established under RCW 70.94.151; and

(iii) Actions that the state should take to prevent manipulation of the multisector market-based system designed under this section.

(2) In developing the design for the regional multisector market-based system under subsections (1) and (3) of this section, the department shall consult with affected state agencies, cities, and counties, and provide opportunity for public review and comment.

(3)(a) In developing the design for the regional multisector market-based system, the department shall allow for entities to receive appropriate credit for early actions to reduce greenhouse gases.

(b) Pursuant to executive order 07-02, greenhouse gas emission reductions attributable to at least the following policies count as reductions in an amount equal to at least sixty percent of the 2020 goal:

(i) Tailpipe emission standards under chapter 70.120A RCW;

(ii) Biofuels standards under chapter 19.112 RCW;

(iii) Renewable energy and conservation standards under chapter 19.285 RCW;

(iv) High-performance green building codes under chapters 39.35, 39.35A, 39.35C, and 39.35D RCW;

(v) Appliance efficiency standards under chapter 19.260 RCW;

(vi) Energy freedom projects under chapter 43.63A RCW;

(vii) Water conservation projects under chapter 90.90 RCW;

(viii) Enhanced building codes under chapter 19.27A RCW;

(ix) Emission performance standards under chapter 80.80 RCW;

(x) Programs for retrofitting diesel engines in school buses and local government vehicles as acknowledged under executive order 07-02; and

(xi) Sustainability and efficiency goals for state operations under executive order 05-01.

(4) In addition to the information required under subsection (1)(b) of this section, the director and the director of the department of community, trade, and economic development shall submit the following to the legislature by December 1, 2008:

(a) Information on progress to date in achieving the requirements of this act;

(b) The final recommendations of the climate advisory team, including recommended most promising actions to reduce emissions of greenhouse gases or otherwise respond to climate change;

(c) A request for additional resources and statutory authority needed to limit and reduce emissions of greenhouse gas consistent with this act including implementation of the most promising recommendations of the climate advisory team;

(d) Recommendations on how local governments could participate in the multisector market-based system designed under subsection (1) of this section; and

(e) Recommendations developed in consultation with the department of natural resources and the department of agriculture regarding how forestry and agricultural lands and practices may participate voluntarily as an offset or other credit program in the regional multisector market-based system. These recommendations must address:

(i) Commercial and other working forests, forest products, and agricultural land and practices, including sequestration of carbon on timber lands managed under forest practices rules adopted pursuant to chapter 76.09 RCW;

(ii) Forest and agriculture lands that are set aside or managed for conservation; and

(iii) Reforestation and afforestation projects.

**Sec. 4.** RCW 43.350.030 and 2005 c 424 s 4 are each amended to read as follows:

In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(1) Use public moneys in the life sciences discovery fund, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote life sciences research;

(2) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities other than the state to receive moneys in consideration of the authority's promise to leverage those moneys with amounts received through appropriations from the legislature and contributions from other public entities and private entities, in order to use those moneys to promote life sciences research. Nonstate moneys received by the authority for this purpose shall be deposited in the life sciences discovery fund created in RCW 43.350.070;

(3) Hold funds received by the authority in trust for their use pursuant to this chapter to promote life sciences research;

(4) Manage its funds, obligations, and investments as necessary and as consistent with its purpose including the segregation of revenues into separate funds and accounts;

(5) Make grants to entities pursuant to contract for the promotion of life sciences research to be conducted in the state. Grant agreements shall specify deliverables to be provided by the recipient pursuant to the grant. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research; (b) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (c) its potential for leveraging additional funding; (d) its potential to provide health care benefits or benefit human learning and development; (e) its potential to stimulate the health care delivery, biomedical manufacturing, and life sciences related employment in the state; (f) its potential to promote renewable energy development and generation, reduce greenhouse gas emissions, and lower dependence on imported fuels; (g) the geographic diversity of the grantees within Washington; ~~((g))~~ (h) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and ~~((h))~~ (i) evidence of public and private collaboration;

(6) Create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research; and

(7) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

**Sec. 5.** RCW 70.94.151 and 2005 c 138 s 1 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration ~~((and))~~ or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in section 2 of this act the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in section 2 of this act must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made.

If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring the reporting of emissions of greenhouse gases as defined in section 2 of this act. The rules must include a de minimis amount of emissions below which reporting will not be required. The rules must require that emissions of greenhouse gases resulting from the burning of fossil fuels be reported separately from emissions of greenhouse gases resulting from the burning of biomass. Except as provided in (b) of this subsection, the department shall, under the authority granted in subsection (1) of this section, adopt rules requiring any person who operates or is responsible for: (i) Operation of a fleet of on-road motor vehicles that as a fleet emit at least twenty-five hundred metric tons of greenhouse gas annually in the state to report the emissions of greenhouse gases generated from or emitted by that fleet; or (ii) any other operations that emit at least ten thousand metric tons of greenhouse gas annually in the state to report their total annual emissions of greenhouse gases. In calculating emissions of greenhouse gases for purposes of determining whether or not reporting is required, only direct emissions shall be included. The emissions of greenhouse gases must be reported as carbon dioxide equivalents. The rules must require that persons report 2009 emissions starting in 2010. The rules must establish an annual reporting schedule that takes into account the time needed to allow the person reporting emissions of greenhouse gases to gather the information needed and to verify the emissions being reported. However, in no event may reports be submitted later than October 31st of the year in which the report is due. The department may phase in the reporting requirements for operations under (a)(ii) of this subsection until the reporting threshold is met, which must be met by January 1, 2012. The department may from time to time amend the rules to include other persons that emit less than the annual greenhouse gas emissions levels set out in this subsection if necessary to comply with any federal reporting requirements for emissions of greenhouse gases.

(b) In its rules, the department may defer the reporting requirement under (a) of this subsection for emissions associated with interstate and international commercial aircraft, rail, trucks, or marine vessels until (i) there is a federal requirement to report these emissions; or (ii) the department finds that there is a generally accepted reporting protocol for determining interstate emissions from these sources.

(c) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.

(d) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements unless it approves a local air authority's request to enforce the requirements for persons operating within the authority's jurisdiction.

(e) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on persons operating or responsible for the operation of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

(f) In developing its rules, the department shall, with the assistance of the department of transportation, identify a mechanism to report an aggregate estimate of the annual emissions of greenhouse gases generated from or emitted by otherwise unreported on-road motor vehicles.

(g) The inclusion or failure to include any person, classes of persons, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person or category is appropriate for inclusion in the multisector market-based system designed under section 3 of this act.

(h) Should the federal government adopt rules sufficient to track progress toward the emissions reductions required by this act governing the reporting of greenhouse gases, the department shall amend its rules, as necessary, to seek consistency with the federal rules to ensure duplicate reporting is not required.

(i) The definitions in section 2 of this act apply throughout this subsection (5) unless the context clearly requires otherwise.

**Sec. 6.** RCW 70.94.161 and 1993 c 252 s 5 are each amended to read as follows:

The department of ecology, or board of an authority, shall require renewable permits for the operation of air contaminant sources subject to the following conditions and limitations:

(1) Permits shall be issued for a term of five years. A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the federal clean air act. The rules adopted pursuant to subsection (2) of this section shall include rules for permit amendments and modifications. The terms and conditions of a permit shall remain in effect after the permit itself expires if the permittee submits a timely and complete application for permit renewal.

(2)(a) Rules establishing the elements for a statewide operating permit program and the process for permit application and renewal consistent with federal requirements shall be established by the department by January 1, 1993. The rules shall provide that every proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority. The permit

program established by these rules shall be administered by the department and delegated local air authorities. Rules developed under this subsection shall not preclude a delegated local air authority from including in a permit its own more stringent emission standards and operating restrictions.

(b) The board of any local air pollution control authority may apply to the department of ecology for a delegation order authorizing the local authority to administer the operating permit program for sources under that authority's jurisdiction. The department shall, by order, approve such delegation, if the department finds that the local authority has the technical and financial resources, to discharge the responsibilities of a permitting authority under the federal clean air act. A delegation request shall include adequate information about the local authority's resources to enable the department to make the findings required by this subsection(~~(- provided)~~). However, any delegation order issued under this subsection shall take effect ninety days after the environmental protection agency authorizes the local authority to issue operating permits under the federal clean air act.

(c) Except for the authority granted the energy facility site evaluation council to issue permits for the new construction, reconstruction, or enlargement or operation of new energy facilities under chapter 80.50 RCW, the department may exercise the authority, as delegated by the environmental protection agency, to administer Title IV of the federal clean air act as amended and to delegate such administration to local authorities as applicable pursuant to (b) of this subsection.

(3) In establishing technical standards, defined in RCW 70.94.030, the permitting authority shall consider and, if found to be appropriate, give credit for waste reduction within the process.

(4) Operating permits shall apply to all sources (a) where required by the federal clean air act, and (b) for any source that may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare. Subsection (b) of this subsection is not intended to apply to small businesses except when both of the following limitations are satisfied: (i) The source is in an area exceeding or threatening to exceed federal or state air quality standards; and (ii) the department provides a reasonable justification that requiring a source to have a permit is necessary to meet a federal or state air quality standard, or to prevent exceeding a standard in an area threatening to exceed the standard. For purposes of this subsection "areas threatening to exceed air quality standards" shall mean areas projected by the department to exceed such standards within five years. Prior to identifying threatened areas the department shall hold a public hearing or hearings within the proposed areas.

(5) Sources operated by government agencies are not exempt under this section.

(6) Within one hundred eighty days after the United States environmental protection agency approves the state operating permit program, a person required to have a permit shall submit to the permitting authority a compliance plan and permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided that such sources submit complete and timely permit applications.

(7) All draft permits shall be subject to public notice and comment. The rules adopted pursuant to subsection (2) of this section shall specify procedures for public notice and comment. Such procedures shall provide the permitting agency with an opportunity to respond to comments received from interested parties prior to the time that the proposed permit is submitted to the environmental protection agency for review pursuant to section

505(a) of the federal clean air act. In the event that the environmental protection agency objects to a proposed permit pursuant to section 505(b) of the federal clean air act, the permitting authority shall not issue the permit, unless the permittee consents to the changes required by the environmental protection agency.

(8) The procedures contained in chapter 43.21B RCW shall apply to permit appeals. The pollution control hearings board may stay the effectiveness of any permit issued under this section during the pendency of an appeal filed by the permittee, if the permittee demonstrates that compliance with the permit during the pendency of the appeal would require significant expenditures that would not be necessary in the event that the permittee prevailed on the merits of the appeal.

(9) After the effective date of any permit program promulgated under this section, it shall be unlawful for any person to: (a) Operate a permitted source in violation of any requirement of a permit issued under this section; or (b) fail to submit a permit application at the time required by rules adopted under subsection (2) of this section.

(10) Each air operating permit shall state the origin of and specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

(a) The federal clean air act and rules implementing that act, including provision of the approved state implementation plan;

(b) This chapter and rules adopted thereunder;

(c) In permits issued by a local air pollution control authority, the requirements of any order or regulation adopted by that authority;

(d) Chapter 70.98 RCW and rules adopted thereunder; and

(e) Chapter 80.50 RCW and rules adopted thereunder.

(11) Consistent with the provisions of the federal clean air act, the permitting authority may issue general permits covering categories of permitted sources, and temporary permits authorizing emissions from similar operations at multiple temporary locations.

(12) Permit program sources within the territorial jurisdiction of an authority delegated the operating permit program shall file their permit applications with that authority, except that permit applications for sources regulated on a statewide basis pursuant to RCW 70.94.395 shall be filed with the department. Permit program sources outside the territorial jurisdiction of a delegated authority shall file their applications with the department. Permit program sources subject to chapter 80.50 RCW shall, irrespective of their location, file their applications with the energy facility site evaluation council.

(13) When issuing operating permits to coal fired electric generating plants, the permitting authority shall establish requirements consistent with Title IV of the federal clean air act.

(14)(a) The department and the local air authorities are authorized to assess and to collect, and each source emitting one hundred tons or more per year of a regulated pollutant shall pay an interim assessment to fund the development of the operating permit program during fiscal year 1994.

(b) The department shall conduct a workload analysis and prepare an operating permit program development budget for fiscal year 1994. The department shall allocate among all sources emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 the costs identified in its program development budget according to a three-tiered model, with each of the three tiers being equally weighted, based upon:

(i) The number of sources;

(ii) The complexity of sources; and

(iii) The size of sources, as measured by the quantity of each regulated pollutant emitted by the source.

(c) Each local authority and the department shall collect from sources under their respective jurisdictions the interim fee determined by the department and shall remit the fee to the department.

(d) Each local authority may, in addition, allocate its fiscal year 1994 operating permit program development costs among the sources under its jurisdiction emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 and may collect an interim fee from these sources. A fee assessed pursuant to this subsection (14)(d) shall be collected at the same time as the fee assessed pursuant to (c) of this subsection.

(e) The fees assessed to a source under this subsection shall be limited to the first seven thousand five hundred tons for each regulated pollutant per year.

(15)(a) The department shall determine the persons liable for the fee imposed by subsection (14) of this section, compute the fee, and provide by November 1 ((of))<sub>2</sub> 1993<sub>2</sub> the identity of the fee payer with the computation of the fee to each local authority and to the department of revenue for collection. The department of revenue shall collect the fee computed by the department from the fee payers under the jurisdiction of the department. The administrative, collection, and penalty provisions of chapter 82.32 RCW shall apply to the collection of the fee by the department of revenue. The department shall provide technical assistance to the department of revenue for decisions made by the department of revenue pursuant to RCW 82.32.160 and 82.32.170. All interim fees collected by the department of revenue on behalf of the department and all interim fees collected by local authorities on behalf of the department shall be deposited in the air operating permit account. The interim fees collected by the local air authorities to cover their permit program development costs under subsection (14)(d) of this section shall be deposited in the dedicated accounts of their respective treasuries.

(b) All fees identified in this section shall be due and payable on March 1 ((of))<sub>2</sub> 1994, except that the local air pollution control authorities may adopt by rule an earlier date on which fees are to be due and payable. The section 5, chapter 252, Laws of 1993 amendments to RCW 70.94.161 do not have the effect of terminating, or in any way modifying, any liability, civil or criminal, incurred pursuant to the provisions of RCW 70.94.161 (15) and (17) as they existed prior to July 25, 1993.

(16) For sources or source categories not required to obtain permits under subsection (4) of this section, the department or local authority may establish by rule control technology requirements. If control technology rule revisions are made by the department or local authority under this subsection, the department or local authority shall consider the remaining useful life of control equipment previously installed on existing sources before requiring technology changes. The department or any local air authority may issue a general permit, as authorized under the federal clean air act, for such sources.

(17) Emissions of greenhouse gases as defined in section 2 of this act must be reported as required by RCW 70.94.151. The reporting provisions of RCW 70.94.151 shall not apply to any other emissions from any permit program source after the effective date of United States environmental protection agency approval of the state operating permit program.

**NEW SECTION. Sec. 7.** (1) The department shall expend two million dollars to designate a total of four new sites for water storage, two in western Washington and two in eastern Washington, including, but not limited to:

- (a) Identification of proper sites for water storage;
- (b) Development of plans for water storage at those sites; and

(c) The formulation of a preliminary design for the water storage sites.

(2) The department shall also assess decommissioned mine shafts for purposes of water storage.

**NEW SECTION. Sec. 8.** Within eighteen months of the next and each successive global or national assessment of climate change science, the department shall consult with the climate impacts group at the University of Washington regarding the science on human-caused climate change and provide a report to the legislature summarizing that science and make recommendations for further reducing emissions of greenhouse gases.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The legislature establishes a comprehensive green economy jobs growth initiative based on the goal of, by 2020, increasing the number of green economy jobs to twenty-five thousand from the eight thousand four hundred green economy jobs the state had in 2004.

(2) The department, in consultation with the employment security department, the state workforce training and education coordinating board, the state board of community and technical colleges, the higher education coordinating board, and the department of ecology, shall develop a defined list of terms, consistent with current workforce and economic development terms, associated with green economy industries and jobs.

(3)(a) The employment security department, in consultation with the department, the state workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, and the Washington State University extension energy program, shall conduct labor market research to analyze the current labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of green economy industry employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries.

(b) The University of Washington business and economic development center shall: Analyze the current opportunities for and participation in the green economy by minority and women-owned business enterprises in Washington; identify existing barriers to their successful participation in the green economy; and develop strategies with specific policy recommendations to improve their successful participation in the green economy. The research may be informed by the research of the Puget Sound regional council prosperity partnership, as well as other entities. The University of Washington business and economic development center shall report to the appropriate committees of the house of representatives and the senate on their research, analysis, and recommendations by December 1, 2008.

(4) Based on the findings from subsection (3) of this section, the employment security department, in consultation with the department and the department of ecology and taking into account the requirements and goals of this act and other state clean energy and energy efficiency policies, shall propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy. The employment security department and the department shall take into account which jobs within green economy industries will be considered high-wage occupations and occupations that are part of career pathways to the

same, based on family-sustaining wage and benefits ranges. These designations, and the results of the employment security department's broader labor market research, shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.

(5) The department shall identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270.

(6) The department, consistent with the priorities established by the state economic development commission, shall:

(a) Develop targeting criteria for existing investments, and make recommendations for new or expanded financial incentives and comprehensive strategies, to recruit, retain, and expand green economy industries; and

(b) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation, including designating innovation partnership zones linked to the green economy.

(7) For the purposes of this section, "target populations" means (a) entry-level or incumbent workers in high-demand green industries who are in, or are preparing for, high-wage occupations; (b) dislocated workers in declining industries who may be retrained for high-wage occupations in high-demand green industries; (c) eligible veterans or national guard members; or (d) anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(8) The legislature directs the state workforce training and education coordinating board to create and pilot green industry skill panels. These panels shall consist of business representatives from industry sectors related to clean energy, state and local veterans agencies, employer associations, educational institutions, and local workforce development councils within the region that the panels propose to operate, and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) Plan strategies to meet the recruitment and training needs of the industry; and

(c) Leverage and align other public and private funding sources.

(9) The green industries jobs training account is created in the state treasury. Moneys from the account must be utilized to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this subsection. The state board for community and technical colleges, in consultation with the state workforce training and education coordinating board, informed by the research of the employment security department and the strategies developed in this section, may authorize expenditures from the account. The state board for

community and technical colleges must distribute grants from the account on a competitive basis.

(a)(i) Allowable uses of these grant funds, which should be used when other public or private funds are insufficient or unavailable, may include:

(A) Curriculum development;

(B) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;

(C) Workforce education to target populations; and

(D) Adult basic and remedial education as necessary linked to occupation skills training.

(ii) Allowable uses of these grant funds do not include student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(b) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

(i) Implementing effective education and training programs that meet industry demand; and

(ii) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(c) In awarding grants from the green industries jobs training account, the state board for community and technical colleges shall give priority to applicants that demonstrate the ability to:

(i) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise utilize strategies developed by green industry skills panels;

(ii) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(iii) Work collaboratively with other relevant stakeholders in the regional economy;

(iv) Link adult basic and remedial education, where necessary, with occupation skills training;

(v) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(vi) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers.

**Sec. 10.** RCW 28B.50.273 and 2007 c 277 s 201 are each amended to read as follows:

The college board, in partnership with business, labor, and the workforce training and education coordinating board, shall:

(1) Identify job-specific training programs offered by qualified postsecondary institutions that lead to a credential, certificate, or degree in green industry occupations as established in this act, and other high demand occupations, which are occupations where data show that employer demand for workers exceeds the supply of qualified job applicants throughout the state or in a specific region, and where training capacity is underutilized;

(2) Gain recognition of the credentials, certificates, and degrees by Washington's employers and labor organizations. The college board shall designate these recognized credentials, certificates, and degrees as "opportunity grant-eligible programs of study"; and

(3) Market the credentials, certificates, and degrees to potential students, businesses, and apprenticeship programs as a way for individuals to advance in their careers and to better meet the needs of industry.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.16 RCW to read as follows:

(1) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to fifty percent of the cost of purchasing: (a) Carbon abatement equipment; (b) repair and replacement parts for carbon abatement equipment; and (c) labor and services rendered in respect to carbon abatement equipment.

(2) The credit under this section is only available to light and power businesses subject to the annual reporting requirements under RCW 70.94.151(5).

(3) Unused tax credit may be carried forward to subsequent tax reporting periods. No refunds shall be granted for credits under this section.

(4) The definitions in this subsection apply throughout this section.

(a) "Carbon abatement equipment" means control devices, disposal systems, machinery, equipment, and other tangible personal property acquired for the primary purpose of reducing or controlling emissions of greenhouse gases.

(b) "Power plant" has the same meaning as defined in RCW 80.80.010.

**NEW SECTION. Sec. 12.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale of: (a) Carbon abatement equipment; (b) repair and replacement parts for carbon abatement equipment; and (c) labor and services rendered in respect to carbon abatement equipment.

(2) An exemption is only available to a person subject to the annual reporting requirements under RCW 70.94.151(5).

(3) An exemption is available only when the buyer provides the seller with an exemption certificate. The seller shall retain a copy of the certificate for the seller's files.

(4) For the purposes of this section, "carbon abatement equipment" has the meaning as defined in section 11 of this act.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of: (a) Carbon abatement equipment; (b) repair and replacement parts for carbon abatement equipment; and (c) labor and services rendered in respect to carbon abatement equipment.

(2) The exemption under this section is only available to a person subject to the annual reporting requirements under RCW 70.94.151(5).

(3) For the purposes of this section, "carbon abatement equipment" has the same meaning as defined in section 11 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 84.36 RCW to read as follows:

(1) Carbon abatement equipment, including repair and replacement parts for the equipment, used by a person subject to the annual reporting requirements under RCW 70.94.151(5) is exempt from taxation. To qualify for the exemption, the owner of the equipment shall apply to the county assessor in which the property is located prior to the initial installation of the carbon abatement equipment.

(2) The exemption is available beginning in the calendar year that follows the calendar year in which initial application is made. Carbon abatement equipment is exempt from property tax for twenty years. Repair and replacement parts acquired after the exemption is first claimed are subject to the twenty-year requirement applicable to the initially installed carbon abatement equipment.

(3) The application for exemption shall be made to the county assessor. The application shall be upon forms prescribed by the department of revenue and supplied by the county assessor. To claim an exemption for repair or replacement parts for carbon abatement equipment, an additional application shall be made to the county assessor.

(4) For the purposes of this section, "carbon abatement equipment" has the same meaning as defined in section 11 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 82.04 RCW to read as follows:

(1) A person is allowed a credit against taxes due under this chapter in an amount equal to fifty percent of the cost of purchasing: (a) Carbon abatement equipment; (b) repair and replacement parts for carbon abatement equipment; and (c) labor and services rendered in respect to carbon abatement equipment.

(2) The credit under this section is only available to a person subject to the annual reporting requirements under RCW 70.94.151(5).

(3) Unused tax credit may be carried forward to subsequent tax reporting periods. No refunds shall be granted for credits under this section.

(4) For the purposes of this section, "carbon abatement equipment" has the same meaning as defined in section 11 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed to offset the administrative burden of complying with the annual reporting requirements under RCW 70.94.151(5). The amount of the credit is equal to the cost of complying with these annual reporting requirements in the year in which the credit is claimed. A person may claim a credit under this section only if the person has submitted a report to the department of ecology or the energy facility site evaluation council under RCW 70.94.151(5) in the same calendar year in which the credit is claimed.

(2) A credit earned during one calendar year may be carried over to be credited against taxes incurred in subsequent years. No refunds may be granted for credits under this section.

**NEW SECTION. Sec. 17.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of passenger vehicles if the purchaser trades in a passenger vehicle that is more than fifteen years old and the vehicle to be traded in is not compliant with United States environmental protection agency tier II emission standards.

(2) For the purposes of this section, "passenger vehicle" has the same meaning as "passenger car" provided in RCW 46.04.382.

(3) The exemption is available only if:

(a) The passenger vehicle to be traded in has been licensed and registered for the twenty-four month period immediately preceding the sale and is in satisfactory operating condition; and

(b) The new vehicle purchased has a United States environmental protection agency highway gasoline mileage rating of at least thirty miles per gallon.

(4) Any trade-in property acquired from a person claiming the exemption in this section must be destroyed.

(5) The total amount that may be taken by all purchasers as an exemption under this section and section 18 of this act is twenty-five million dollars per year. If the department determines that at least twenty-two million dollars has been taken as an exemption under this section and section 18 of this act, the department shall notify motor vehicle dealers, in a writing sent by certified mail, that requires dealers not to provide the exemption to motor vehicle purchasers beginning two weeks from the date the letter is postmarked.

**NEW SECTION. Sec. 18.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of passenger vehicles if the purchaser trades in a passenger vehicle to a motor vehicle dealer that is more than fifteen years old and the vehicle to be traded in is not compliant with United States environmental protection agency tier II emission standards.

(2) "Passenger vehicle" has the same meaning as defined in section 17 of this act.

(3) The exemption is available only if:

(a) The passenger vehicle to be traded in has been licensed and registered for the twenty-four month period immediately preceding the sale and is in satisfactory operating condition; and

(b) The new vehicle purchased has a United States environmental protection agency highway gasoline mileage rating of at least thirty miles per gallon.

(4) Any trade-in property acquired from a person claiming the exemption in this section must be destroyed.

**Sec. 19.** RCW 19.285.040 and 2007 c 1 s 4 (Initiative Measure No. 937) are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards

meeting the biennial conservation target in the same manner as other conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or a combination of both, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) The requirements of this section may be met with eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

~~(f) The requirements of this section may be met for any given year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.~~

~~((ff)) (g) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:~~

~~(i) eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity;~~

~~(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090).~~

~~((fg)) (h) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.~~

~~((fh)) (i) (i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:~~

~~(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and~~

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

~~((††))~~ (i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

**Sec. 20.** RCW 19.29A.090 and 2002 c 285 s 6 and 2002 c 191 s 1 are each reenacted and amended to read as follows:

(1) Beginning January 1, 2002, each electric utility must provide to its retail electricity customers a voluntary option to purchase qualified alternative energy resources in accordance with this section.

(2) Each electric utility must include with its retail electric customer's regular billing statements, at least quarterly, a voluntary option to purchase qualified alternative energy resources. The option may allow customers to purchase qualified alternative energy resources at fixed or variable rates and for fixed or variable periods of time, including but not limited to monthly, quarterly, or annual purchase agreements. A utility may provide qualified alternative energy resource options through either: (a) Resources it owns or contracts for; or (b) the purchase of credits issued by a clearinghouse or other system by which the utility may secure, for trade or other consideration, verifiable evidence that a second party has a qualified alternative energy resource and that the second party agrees to transfer such evidence exclusively to the benefit of the utility.

(3) For the purposes of this section, a "qualified alternative energy resource" means the electricity produced from generation facilities that are fueled by: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; (f) gas produced during the treatment of wastewater; (g) qualified hydropower; or (h) biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(4) For the purposes of this section, "qualified hydropower" means the energy produced either: (a) As a result of modernizations or upgrades made after June 1, 1998, to hydropower facilities operating on May 8, 2001, that have been demonstrated to reduce the mortality of anadromous fish; or (b) by run of the river or run of the canal hydropower facilities that are not responsible for obstructing the passage of anadromous fish.

(5) The rates, terms, conditions, and customer notification of each utility's option or options offered in accordance with this section must be approved by the governing body of the consumer-owned utility or by the commission for investor-owned utilities. All costs and benefits associated with any option offered by an electric utility under this section must be allocated to the customers who voluntarily choose that option and may not be shifted to any customers who have not chosen such option. Utilities may pursue known, lawful

aggregated purchasing of qualified alternative energy resources with other utilities to the extent aggregated purchasing can reduce the unit cost of qualified alternative energy resources, and are encouraged to investigate opportunities to aggregate the purchase of alternative energy resources by their customers. Aggregated purchases by investor-owned utilities must comply with any applicable rules or policies adopted by the commission related to least-cost planning or the acquisition of renewable resources.

(6) Until December 31, 2018, utilities may promote voluntary programs to purchase qualified alternative energy resources and may recover their marketing and administrative costs plus a rate of return that reflects the amount the market will bear for the qualified alternative energy resource.

(7) Each consumer-owned utility must report annually to the department and each investor-owned utility must report annually to the commission beginning October 1, 2002, until October 1, 2012, describing the option or options it is offering its customers under the requirements of this section, the rate of customer participation, the amount of qualified alternative energy resources purchased by customers, the amount of utility investments in qualified alternative energy resources, and the results of pursuing aggregated purchasing opportunities. The department and the commission together shall report annually to the legislature, beginning December 1, 2002, until December 1, 2012, with the results of the utility reports.

NEW SECTION. Sec. 21. The joint transportation committee shall coordinate a study of the feasibility of utilizing magnetic levitation in the state of Washington in the movement of people and freight. The majority leaders and minority leaders in the house of representatives and senate shall select one legislative member from each of their respective caucuses to work with the joint transportation committee on the study. The study report must be submitted to the transportation committees of the house of representatives and senate on or before December 31, 2008, with findings and recommendations.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. Sections 1 through 3, 7, and 8 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 24. 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 Ericksen spoke in favor of the adoption of the amendment.

Representative Uptegrove 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.

Representatives Dunshee, Anderson, Eickmeyer and Linville spoke in favor of the passage of the bill.

Representatives Ericksen, Ahern and DeBolt 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. 2815.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2815 and the bill passed the House by the following vote: Yeas - 64, Nays - 31, Absent - 0, Excused - 3.

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

Voting nay: Representatives Ahern, Alexander, Armstrong, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Grant, Haler, Herrera, Hinkle, Kelley, Kessler, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Schmick, Skinner, Sump, Wallace, Walsh and Warnick - 31.

Excused: Representatives Darneille, Flannigan and Hailey - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2815, having received the necessary constitutional majority, was declared passed.

### SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Morris presiding) to thank the members for their consideration and decorum during the day's debates.

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

There being no objection, the Committee on Judiciary was relieved of further consideration of SUBSTITUTE SENATE

BILL NO. 6306, and the bill was referred to the Committee on Early Learning & Children's Services

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 20, 2008, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

