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SIXTIETH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 6, 2008

The House was called to order at 10:00 a.m. by The Speaker (Representative Moeller 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 Eduardo Chiprez and Liam Tully. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

MESSAGE FROM THE SENATE

March 5, 2008

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278,
 SUBSTITUTE SENATE BILL NO. 6184,
 SUBSTITUTE SENATE BILL NO. 6244,
 SUBSTITUTE SENATE BILL NO. 6260,
 SENATE BILL NO. 6271,
 SENATE BILL NO. 6283,
 SENATE BILL NO. 6284,
 SUBSTITUTE SENATE BILL NO. 6309,
 SUBSTITUTE SENATE BILL NO. 6322,
 SUBSTITUTE SENATE BILL NO. 6324,
 SUBSTITUTE SENATE BILL NO. 6457,
 SENATE BILL NO. 6464,
 SENATE BILL NO. 6465,
 SUBSTITUTE SENATE BILL NO. 6500,
 SENATE BILL NO. 6504,
 ENGROSSED SENATE BILL NO. 6591,
 SUBSTITUTE SENATE BILL NO. 6544,
 SUBSTITUTE SENATE BILL NO. 6604,
 SENATE BILL NO. 6685,
 SENATE BILL NO. 6753,
 SUBSTITUTE SENATE BILL NO. 6770,
 SENATE BILL NO. 6837,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

RESOLUTION

HOUSE RESOLUTION NO. 4709, by Representatives Morris, Hankins and Skinner

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number one producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 25th annual festival will run from April 1st through 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 750 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, Claire Kenning and Carl Johnson, will ably and personably perform their responsibilities as representatives of the festival; and

WHEREAS, Highlights of the event include the Kiwanis Club's 20th Annual Salmon Barbeque, the 28th Annual Tulip Pedal bike ride, the Anacortes Quilt Walk, the Downtown Mount Vernon Street Fair, the 3rd Annual Hospice Tour de Fleur, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Skagit Valley Tulip Festival Executive Director Cindy Verge and the Tulip Festival Ambassadors.

Representative Morris moved the adoption of the resolution.

Representatives Morris and Bailey spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4709 was adopted.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1149
 SUBSTITUTE HOUSE BILL NO. 1421
 HOUSE BILL NO. 1923
 SUBSTITUTE HOUSE BILL NO. 2427
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438
 SUBSTITUTE HOUSE BILL NO. 2496
 HOUSE BILL NO. 2637
 SUBSTITUTE HOUSE BILL NO. 2654
 HOUSE BILL NO. 2730
 SUBSTITUTE HOUSE BILL NO. 2778
 HOUSE BILL NO. 2792
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2815
 SUBSTITUTE HOUSE BILL NO. 2859
 HOUSE BILL NO. 2923
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012
 SUBSTITUTE HOUSE BILL NO. 3029
 HOUSE BILL NO. 3097
 SECOND SUBSTITUTE HOUSE BILL NO. 3104
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3123
 HOUSE BILL NO. 3151
 SUBSTITUTE HOUSE BILL NO. 3206
 HOUSE BILL NO. 3275
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278
 SUBSTITUTE SENATE BILL NO. 6184
 SUBSTITUTE SENATE BILL NO. 6244
 SUBSTITUTE SENATE BILL NO. 6260
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 SUBSTITUTE SENATE BILL NO. 6604
 SENATE BILL NO. 6685
 SENATE BILL NO. 6753
 SUBSTITUTE SENATE BILL NO. 6770
 SENATE BILL NO. 6837

MESSAGES FROM THE SENATE

March 5, 2008

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2815, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker called upon Representative Moeller to preside.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010, By Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hewitt)

Creating a state park foster home pass.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations Subcommittee on General Government & Audit Review was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

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

Representatives Upthegrove and Pearson 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 Senate Bill No. 5010, as amended by the House.

MOTIONS

On motion of Representative Santos, Representatives Eickmeyer and Dunshee were excused. On motion of Representative Schindler, Representatives Hailey, Sump and Skinner were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5010, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

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

Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representative Dunn - 1.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, Regala, Fairley, Shin, Weinstein, Murray, Keiser, Prentice, Kline, Spanel, Fraser, Tom, Kohl-Welles and Rasmussen)

Regarding health insurance information for students.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

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

Representatives Quall and Anderson 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 Engrossed Substitute Senate Bill No. 5100, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5100, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5378, By Senate Committee on Judiciary (originally sponsored by Senators Weinstein, Kline and Rockefeller)

Modifying deeds of trust provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, 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 Substitute Senate Bill No. 5378, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5378, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 5378, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5642, By Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Rockefeller, Franklin and Tom)

Addressing cigarette ignition propensity.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations Subcommittee on Education was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

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

Representatives Wood 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 Second Substitute Senate Bill No. 5642, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5642, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5642, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, By Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Pflug, Keiser, Tom, Zarelli, Marr and Carrell)

Concerning certificate of capital authorization.

The bill was read the second time.

Representative Morrell moved the adoption of amendment (1414):

On page 2, line 7, after "(b)" strike all material through "(c)" on line 28.

On page 2, line 37, insert the following:

"(c)In processing and approving certificates of capital authorization filed with the department in accordance with subsection (2)(b) of this section, the department shall give priority approval in the following order:

(i)First priority shall be given to applications for renovation or replacement on existing facilities that incorporate innovative building designs, such as the green house model or other models that create more home-like settings. Of these applications, preference shall be given to the greatest length of time since the last major renovation or construction.

(ii)Second priority shall be given to renovations of existing facilities with the greatest length of time since their last major renovation or construction.

(iii) Third priority shall be given to replacements of existing facilities with the greatest length of time since their last major renovation or construction.

(iv) Last priority shall be given to new facilities and shall be processed on a first-come, first served basis.

(d) Within the priorities established by this section, applications for certificates of capital authorization that do not receive approval in one state fiscal year because that year's authorization limit has been reached shall have priority the following fiscal year if the applications are resubmitted."

Representatives Morrell and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representatives Hinkle and Sommers 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 Engrossed Substitute Senate Bill No. 5905, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5905, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6060, By Senate Committee on Judiciary (originally sponsored by Senator Kline)

Addressing unlawful detainer actions based on nonpayment of rent.

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 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 Substitute Senate Bill No. 6060.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6060 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 6060, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111, By Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Poulsen, Jacobsen and Tom)

Creating a wave and tidal energy work group. (REVISED FOR ENGROSSED: Concerning generating electricity from tidal and wave energy.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

With the consent of the House, amendment (1413) was withdrawn.

Representative McCoy moved the adoption of amendment (1435):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the global energy economy is undergoing significant changes creating a situation where energy prices are increasingly more expensive and the sources of energy increasingly less secure. Additionally, the legislature finds that there is growing concern about the consequences associated with greenhouse gas emissions from conventional sources of energy and the need for action to address the threats of climate change. The legislature finds ocean and tidal

resources, as well as other forms of hydrokinetic energy, will play an important role in providing clean, carbon-free, reliable, and affordable energy to the citizens of Washington. The legislature finds that the development of wave and tidal energy technologies in Washington will create more highly valued green jobs in the state.

(2) It is the intent of the legislature to facilitate the development of clean, carbon-free, reliable, and affordable power sources for the energy needs of Washington's growing economy. Also, it is the intent of the legislature to help catalyze the emergence of a new water-power industry that is able to export technology and expertise to the rest of the country and the world. In addition, the legislature finds that hydrokinetic energy technologies are in their infancy and care must be taken to properly design and site these facilities in order to avoid impacts on the marine environment. To achieve these goals, the legislature intends to establish a public-private organization that will support a sustainable approach to hydrokinetic energy development aimed at economic development, environmental protection, and community stability.

(3)(a) It is the intent of the legislature for state agencies to explore a streamlined approach to environmental permit decision making for wave and tidal power projects.

(b) To optimize the development and siting process for wave and tidal power systems and to provide environmental protection, the legislature finds that state regulatory and natural resource agencies, public and private sector interests, tribes, local and regional governments, and applicable federal agencies must work cooperatively to establish common goals, minimize project siting delays, develop consistency in the application of environmental standards, and eliminate duplicative processes through assigned responsibilities of selected permit drafting and compliance activities between state agencies.

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

(1) "Center" means the Washington state center for excellence in hydrokinetic energy.

(2) "Council" means the energy facility site evaluation council.

(3) "Department" means the department of community, trade, and economic development.

(4) "Hydrokinetic energy" means hydroelectric generation from ocean waves, tides, and currents, from free-flowing rivers and streams, and from water discharges.

(5) "Water discharges" means water discharges from agricultural, industrial, and commercial operations, wastewater treatment plants, or residential properties.

NEW SECTION. Sec. 3. The department and the council shall convene and cochair a work group to develop the Washington state center for excellence in hydrokinetic energy and to explore mechanisms to streamline and make more efficient current permitting processes for wave and tidal power projects.

NEW SECTION. Sec. 4. (1) The work group created under section 3 of this act consists of, but is not limited to, representatives from:

- (a) The department of natural resources;
- (b) The department of ecology;
- (c) The department of fish and wildlife;
- (d) The utilities and transportation commission;
- (e) A wave energy company or tidal energy company, or both;
- (f) A wave energy industry association or tidal energy industry association, or both;

(g) Either a state or private university researching wave energy or a state or private university researching tidal energy, or both;

(h) The Northwest Indian fisheries commission;

(i) An electrical utility;

(j) A local government;

(k) A commercial fishing association;

(l) A conservation group with expertise in energy-related issues;

(m) A conservation group with expertise in marine ecology; and

(n) A marine recreation group.

(2) State agencies under subsection (1) of this section that are members of the council under RCW 80.50.030 shall provide their existing designee members to serve on the work group in carrying out the responsibilities of this act.

NEW SECTION. Sec. 5. (1) In developing the center, the work group created in section 3 of this act shall ensure that the center is a public-private entity and that the center supports a sustainable approach to hydrokinetic energy development aimed at economic development, environmental protection, and community stability.

(2) The work group created in section 3 of this act shall make recommendations to the legislature to include, but not be limited to, the following:

(a) How the center will conduct and support research and demonstrations of wave and tidal energy technologies in order to facilitate the deployment and commercialization of these technologies in Washington;

(b) How the center will establish and operate wave and tidal energy test ranges that allow developers to demonstrate their wave and tidal energy technologies;

(c) How the center will maintain processes to assist developers in permitting their wave and tidal energy technologies;

(d) How the center will collect, manage, and disseminate data necessary to assess statewide wave and tidal resources;

(e) How the center will promote Washington as the optimal location for the development of and deployment of wave and tidal energy technologies;

(f) What the public-private governance structure of the center will be, considering the life sciences discovery fund as a model;

(g) How the center will coordinate with other governmental wave and tidal institutions and initiatives in the Pacific Northwest economic region;

(h) How the center will be funded through either state, federal, or private sources of funding, or a combination of these funding sources;

(i) How the center will assist the state and various other entities in reducing greenhouse gas emissions;

(j) How the center will assist other forms of hydrokinetic energy technologies in addition to wave and tidal energy;

(k) How the center will identify and develop protocols to manage issues involving competing uses of water space; and

(l) What types of review and data are necessary to ensure that hydrokinetic energy will be designed and sited so as to avoid negative impacts on marine ecosystems.

NEW SECTION. Sec. 6. The work group created in section 3 of this act shall provide a report to the appropriate committees of the legislature containing its recommendations under section 5 of this act, as well as draft legislation implementing its recommendations, by December 1, 2008.

NEW SECTION. Sec. 7. (1)(a) The work group created in section 3 of this act shall explore mechanisms to streamline and make

more efficient permitting processes for wave and tidal power projects. The work group may recommend development of a permit process which allows for concurrent public review, consolidated appeals, and other mechanisms which result in permit process efficiency. In making these recommendations, the work group will ensure that there is adequate environmental review of the full range of potential impacts from this technology and that meaningful public involvement opportunities are preserved. The work group shall also identify and make recommendations of any potential barriers to the streamlining.

(b) The work group shall consider and make recommendations regarding research relating to the marine environment. In making the recommendations, the work group shall consider how future marine research would add value to the existing understanding of the overall marine environment and provide guidance on future research with the goal of eliminating redundant research activities.

(2) The work group created in section 3 of this act, in developing recommendations for permit streamlining, shall consider additional issues that may be associated with permitting a wave or tidal energy project, which include, but are not limited to:

(a) Disturbance or destruction of marine life, including acoustic impacts;

(b) Toxic releases from leaks or accidental spills of liquids used in those systems with working hydraulic fluids;

(c) Possible threat to navigation from collisions;

(d) Interference of mooring and anchorage lines with commercial and sport fishing;

(e) Tidal power plants that dam estuaries that can impede sea life migration and build up silt behind such facilities, impacting local ecosystems; and

(f) Potential impacts of tidal power on tides, currents, and flushing.

(3) By June 30, 2009, the work group created in section 3 of this act shall develop a work plan that details critical issues that need to be resolved to develop efficient, streamlined permitting processes for wave and tidal power projects. The work group shall provide the work plan to the legislature for review every six months. If the work group determines that additional time is required to develop recommendations for the permitting process for wave power projects, the work group shall report to the legislature on the need for additional time and update the work plan accordingly.

(4) By June 30, 2010, the work group created in section 3 of this act shall provide a final report to the legislature on its findings and recommendations.

NEW SECTION. Sec. 8. 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 machinery and equipment used directly in generating tidal or wave energy, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating at least two hundred kilowatts of electricity and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and section 9 of this act:

(a) "Machinery and equipment" has the same meaning as provided in RCW 82.08.02567.

(b) Machinery and equipment is "used directly" in generating electricity with tidal or wave energy if it provides any part of the process that captures the energy of the tidal or wave energy.

(3) This section expires June 30, 2018.

NEW SECTION. Sec. 9. 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 machinery and equipment used directly in generating at least two hundred kilowatts of electricity using tidal or wave energy as the principal source of power, or to the use of labor and services rendered in respect to installing such machinery and equipment.

(2) The definitions in section 8 of this act apply to this section.

(3) This section expires June 30, 2018.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act expire January 1, 2011.

NEW SECTION. Sec. 11. If specific funding for the purposes of sections 1 through 7 of this act, referencing sections 1 through 7 of this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 7 of this act are null and void."

Correct the title.

Representatives McCoy, Orcutt and Hunter spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representatives McCoy and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6111, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6111, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6273, By Senate Committee on Transportation (originally sponsored by Senators Haugen and Rasmussen)

Addressing the nondivisible gross weight limit of farm implements on public highways.

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 Clibborn 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 Senate Bill No. 6273.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 6273, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6404, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Pridemore; by request of Department of Social and Health Services)

Modifying the process for designating regional support networks.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care and Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, 44th Day, February 26, 2008.)

Representative Green moved the adoption of amendment (1391) to the committee amendment:

On page 16, line 20 of the amendment, after "~~2006~~)" insert "The department shall consider responses to the request for proposal from a for-profit entity only if there are no bids from a county authority or group of county authorities or other nonprofit entity"

Representative Green spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Hinkle and Cody spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Green moved the adoption of amendment (1390) to the committee amendment:

On page 18, beginning on line 16 of the amendment, strike all of section 7

Representatives Green, Conway, Flannigan, Campbell and Darneille spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Cody, Hinkle and Alexander spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

There being no objection, the committee amendment was adopted.

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

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6404, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6404, as amended by the House, and the bill passed the House by the following vote: Yeas - 82, Nays - 11, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Chandler, Chase, Clibborn, Cody, Crouse, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker - 82.

Voting nay: Representatives Campbell, Condotta, Conway, Darneille, Flannigan, Green, Kelley, Kirby, Morrell, Seaquist and Williams - 11.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 6404, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6468, By Senate Committee on Ways & Means (originally sponsored by Senators King, Rasmussen, Roach, Hobbs, Honeyford, Hewitt and Sheldon)

Concerning the taxation of honey beekeepers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

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

Representatives Hunter, Orcutt, Morrell and Ross 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 Senate Bill No. 6468, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6468, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SECOND SUBSTITUTE SENATE BILL NO. 6468, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6471, By Senators Weinstein, Kauffman, Tom, Fairley, McAuliffe, Kohl-Welles, Keiser and Kline

Protecting consumers by regulating loans under the consumer loan act and mortgage broker practices 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 Kirby and Roach 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 Senate Bill No. 6471.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6471 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SENATE BILL NO. 6471, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6532, By Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Haugen and Keiser)

Allowing certain cities to enter into no-fee lease agreements to use state-owned aquatic lands to operate a public marina. (REVISED FOR ENGROSSED: Authorizing certain cities to enter into lease agreements to use state-owned aquatic lands to operate a publicly owned marina.)

The bill was read the second time.

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

Representatives Smith and Upthegrove 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 Senate Bill No. 6532.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6532 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6532, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6588, By Senators Kauffman, Prentice, Kastama, Hobbs, Sheldon, Delvin, Shin, McAuliffe and Rasmussen

Authorizing the transfer of accumulated leave between the common school and higher education 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 Quall and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6588.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6588 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SENATE BILL NO. 6588, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6626, By Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Kastama, Rasmussen, Regala, Franklin, Marr, Carrell and Shin)

Creating a sales and use tax deferral program for eligible investment projects in community empowerment zones.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

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

Representatives Kelley, Orcutt, Hunter and Conway 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 Senate Bill No. 6626, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6626, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

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

Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representative Anderson - 1.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SECOND SUBSTITUTE SENATE BILL NO. 6626, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2008

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1391,
HOUSE BILL NO. 2137,
SUBSTITUTE HOUSE BILL NO. 2431,
SUBSTITUTE HOUSE BILL NO. 2475,
SUBSTITUTE HOUSE BILL NO. 2661,
HOUSE BILL NO. 3011,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3122,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673, By Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Brandland, Hobbs, McDermott, Rasmussen, Weinstein, Oemig, Tom, Kauffman, Hargrove, Fairley, Franklin and Shin; by request of Superintendent of Public Instruction)

Creating learning opportunities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Sullivan moved the adoption of amendment (1410):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that high school students need to graduate with the skills necessary to be successful in college and work. The state graduation requirements help to ensure that Washington high school graduates have the basic skills to be competitive in a global economy. Under education reform started in

1993, time was to be the variable, obtaining the skills was to be the constant. Therefore, students who need additional time to gain the academic skills needed for college and the workplace should have the opportunities they need to reach high academic achievement, even if that takes more than the standard four years of high school.

Different students face different challenges and barriers to their academic success. Some students struggle to meet the standard on a single portion of the Washington assessment of student learning while excelling in the other subject areas; other students struggle to complete the necessary state or local graduation credits; while still others have their knowledge tested on the assessments and have completed all the credit requirements but are struggling because English is not their first language. The legislature finds that many of these students need additional time and support to achieve academic proficiency and meet all graduation requirements.

Sec. 2. RCW 28A.655.061 and 2007 c 355 s 5 and 2007 c 354 s 2 are each reenacted and amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a

graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the scholastic assessment test (SAT) or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT) may be

used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected ~~((advance placement))~~ AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the ~~((advance placement))~~ AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the ~~((advance placement))~~ AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the ~~((advance placement))~~ AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation~~(- If applicable, the plan shall also include the high school completion pilot program created under RCW 28B.50.534.~~

~~(i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to~~

~~improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~—(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary);~~

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

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

(1) The extended learning opportunities program is created for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who may not be on track to meet the standard on the Washington assessment of student learning or need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(3).

(3) Under the extended learning program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the Washington assessment of student learning;

(c) Attendance in a public high school or public alternative school classes or at a skill center;

(d) Inclusion in remediation programs, including summer school;

(e) Language development instruction for English language learners;

(f) Online curriculum and instructional support, including programs for credit retrieval and Washington assessment of student learning preparatory classes; and

(g) Reading improvement specialists available at the educational service districts to serve eighth, eleventh, and twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

Sec. 4. RCW 28A.165.035 and 2004 c 20 s 4 are each amended to read as follows:

Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Services under section 3 of this act;

(3) Professional development for certificated and classified staff that focuses on:

(a) The needs of a diverse student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

~~((3))~~ (4) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((4))~~ (5) Tutoring support for participating students; and

~~((5))~~ (6) Outreach activities and support for parents of participating students.

NEW SECTION. Sec. 5. If funding is appropriated for this purpose, the office of the superintendent of public instruction shall explore online curriculum support in languages other than English that are currently available. By December 1, 2008, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature recommendations for other online support in other languages that would most appropriately assist Washington's English language learners. Included in the recommendations shall be the actions that would need to be taken to access the recommended online support and the cost.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.655 RCW to read as follows:

(1) If funding is appropriated for this purpose, school districts shall provide all tenth graders enrolled in the district the option of taking the PSAT at no cost to the student.

(2) The office of the superintendent of public instruction shall enter into an agreement with the firm that administers the PSAT to reimburse the firm for the testing fees of students who take the test.

NEW SECTION. Sec. 7. (1) The legislature intends to build on the lessons learned in the Lorraine Wojahn dyslexia pilot reading program, which the legislature has funded since 2005.

(2) By September 15, 2008, each of the grant recipients shall report to the office of the superintendent of public instruction on the

lessons learned in the pilot program regarding effective assessment and intervention programs to help students with dyslexia or characteristics of dyslexia, best practices for professional development, and strategies to build capacity and sustainability among teaching staff.

(3) By December 31, 2008, the office of the superintendent of public instruction shall aggregate the reports from the grant recipients and provide a report and recommendations to the appropriate committees of the legislature. The recommendations shall include how the lessons learned through the pilot program are best shared with school districts and how the best practices can be implemented statewide.

NEW SECTION. Sec. 8. (1) The legislature finds that educators are faced with the complex responsibility of educating an increasing population of English language learners who speak a wide variety of languages and dialects and may come with varying levels of formal schooling, students who come from low-income households, and students who have learning disabilities. These educators struggle to provide meaningful instruction that helps students meet high content standards while overcoming their challenges. The 2007 legislature directed the professional educator standards board to begin the process of adopting new certification requirements and revising the higher education teacher preparation program requirements. Additionally, the office of the superintendent of public instruction was directed to contract with the northwest regional educational laboratory to review and report on the ongoing English as a second language pilot projects and best practices related to helping students who are English language learners. It is therefore the intent of the legislature to build upon the work started in 2007 by requiring that the professional educator standards board consider the findings of the northwest regional educational laboratory and incorporate into its ongoing work a review of how to revise the current certification requirements and teacher preparation programs in order to better serve the needs of English language learners.

(2) The professional educator standards board shall convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students. The work group shall include representatives from the Washington association of colleges for teacher education, school districts with significant populations of English language learner students who speak a single language, school districts with significant populations of English language learner students who speak multiple languages, classroom teachers, English as a second language teachers, bilingual education teachers, principals, the migrant and bilingual education office in the office of the superintendent of public instruction, and the higher education coordinating board. In making its selections, the professional educator standards board must include members from diverse cultural backgrounds and strive to promote geographic balance. The professional educator standards board shall invite participation by the northwest regional educational laboratory.

(3) The work group shall identify gaps and weaknesses in the current knowledge and skills standards for teacher preparation and teacher competencies regarding understanding how students acquire language, how to teach academic content in English to non-English speakers, and how to demonstrate cultural competence. The work group shall look to the English as a second language demonstration projects under RCW 28A.630.058 and the accompanying research and evaluation by the northwest regional educational laboratory.

(4) The work group shall submit a report by December 1, 2008, to the governor and the education and higher education committees

of the legislature with findings and recommendations to improve the teacher preparation knowledge and skills standards and teacher competencies in the areas identified under subsection (2) of this section. Recommendations shall also include what professional development program components are most effective for existing educators of English language learners.

Sec. 9. RCW 28B.118.010 and 2007 c 405 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3) To be eligible for a Washington college bound scholarship, a student must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year. The pledge must be witnessed by a parent or guardian and forwarded to the higher education coordinating board by mail or electronically, as indicated on the pledge form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 10. RCW 28A.165.055 and 2005 c 489 s 1 are each amended to read as follows:

(1) Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based on one or more family income factors measuring economic need.

(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.

(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced price lunch exceeded forty percent in the prior school year.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts shall develop and provide a program of outreach to community-based programs and organizations within the district that are serving non-English speaking segments of the population as well as those programs that target subgroups of students that may be struggling academically, including to the extent

possible, African-American, Native American, Asian, Pacific Islander, Hispanic, low income, and special education. Educational service districts shall consult and coordinate with the governor's minority commissions and the governor's office of Indian affairs in order to efficiently conduct this outreach and are encouraged to enter into partnerships with representatives of the local business communities in order to develop a coordinated outreach plan. The purpose of the outreach activities shall be to inform students via the various community-based programs and organizations of the educational opportunities available under chapter . . . , Laws of 2008 (this act) and to engage them in the process as appropriate. Outreach shall at a minimum include information about the availability of dropout and credit retrieval programs, remediation programs, and extended learning opportunities, including fifth year opportunities.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to provide summer school funding for middle and high schools for all students to explore career opportunities rich in math, science, and technology using career and technical education as the delivery model."

Correct the title.

Representative Schual-Berke moved the adoption of amendment (1418) to amendment (1410):

On page 14, after line 29 of the striking amendment, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall contract with a national organization to establish, maintain, and operate an endowment for the promotion of geography education in Washington state. The national organization must have experience operating geography education endowments in other states and must provide equal nonstate matching funds to the state funds provided in the contract. All funds in and any interest earned on the endowment shall be used exclusively for geography education programs including, but not limited to, curriculum materials, resource collections, and professional development institutes for teachers and administrators. The national organization must have an established affiliated advisory committee in the state to recommend local projects to be funded by the endowment. The contract shall require that the organization report annually to the superintendent on the recipients of endowment funds and the amounts and purposes of expenditures from the fund."

Representative Schual-Berke and Priest spoke in favor of the adoption of the amendment to amendment (1410).

The amendment to amendment (1410) was adopted.

The question before the House was the adoption of amendment (1410) as amended.

Representatives Sullivan and Priest spoke in favor of the adoption of amendment (1410) as amended.

The amendment as amended was adopted.

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

Representatives Sullivan 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 Second Substitute Senate Bill No. 6673, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6673, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representative Dunn - 1.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438, By Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Rockefeller, Oemig, Honeyford, Murray, Delvin and Pridemore)

Creating a statewide high-speed internet deployment and adoption initiative. (REVISED FOR PASSED LEGISLATURE: Regarding high-speed internet services and community technology opportunities.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations Subcommittee on General Government & Audit Review was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative McCoy moved the adoption of amendment (1468):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds and declares the following:

(a) The deployment and adoption of high-speed internet services and information technology has resulted in enhanced economic development and public safety for the state's communities, improved health care and educational opportunities, and a better quality of life for the state's residents;

(b) Continued progress in the deployment and adoption of high-speed internet services and other advanced telecommunications services, both land-based and wireless, is vital to ensuring Washington remains competitive and continues to create business and job growth; and

(c) That the state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses.

(2) Therefore, in order to begin advancing the state towards further growth and development of high-speed internet in the state, it is the legislature's intent to conduct a statewide needs assessment of broadband internet resources through an open dialogue with all interested parties, including providers, unions, businesses, community organizations, local governments, and state agencies. The legislature further resolves to use this needs assessment in guiding future plans on how to ensure that every resident in Washington state may gain access to high-speed internet services.

NEW SECTION. Sec. 2. (1) After the broadband study authorized by the legislature in 2007 has been completed, or by July 15, 2008, the department of information services, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, shall convene a work group to develop a high-speed internet deployment and adoption strategy for the state.

(2) The department of information services shall invite representatives from the following organizations to participate in the work group:

(a) Representatives of public, private, and nonprofit agencies and organizations representing economic development, local community development, local government, community planning, technology planning, education, and health care;

(b) Representatives of telecommunications providers, technology companies, telecommunications unions, public utilities, and relevant private sector entities;

(c) Representatives of community-based organizations; and

(d) Representatives of other relevant entities as the department of information services may deem appropriate.

(3) The department of information services shall, in consultation with the work group, develop a high-speed internet deployment and adoption strategy to accomplish the following objectives:

(a) Create and regularly update a detailed, geographic information system map at the census block level of the high-speed internet services and other relevant telecommunications and information technology services owned or leased by public entities in the state with instructions on how proprietary and competitively sensitive data will be handled, stored, and used. Development of this geographic information system map may include collaboration with students and faculty at community colleges and universities in the state. The statewide inventory must, at a minimum, detail:

(i) The physical location of all high-speed internet infrastructure owned or leased by public entities;

(ii) The amount of excess capacity available; and

(iii) Whether the high-speed internet infrastructure is active or inactive;

(b) Work collaboratively with telecommunications providers and internet service providers to assess, create, and regularly update a geographic information system map at the census block level of the privately owned high-speed internet infrastructure in the state, with instructions on how proprietary and competitively sensitive data will be handled, stored, and used;

(c) Combine the geographic information system map of high-speed internet infrastructure owned by public entities with the geographic information system map of high-speed internet infrastructure owned by private entities to create and regularly update a statewide inventory of all high-speed internet infrastructure in the state;

(d) Use the geographic information system map of all high-speed internet infrastructure in the state, both public and privately owned or leased, to identify and regularly update the geographic gaps in high-speed internet service, including an assessment of the population located in each of the geographic gaps;

(e) Spur the development of high-speed internet resources in the state, which may include, but is not limited to, soliciting funding in the form of grants or donations; establishing technology literacy programs in conjunction with institutions of higher education; establishing low-cost hardware and software purchasing programs; and developing loan programs targeting small businesses or businesses located in underserved areas;

(f) Track statewide residential and business adoption of high-speed internet, computers, and related information technology, including an identification of barriers to adoption;

(g) Build and facilitate local technology planning teams and partnerships with members representing cross-sections of the community, which may include participation from the following organizations: Representatives of business, telecommunications unions, K-12 education, community colleges, local economic development organizations, health care, libraries, universities, community-based organizations, local governments, tourism, parks and recreation, and agriculture;

(h) Use the local technology planning teams and partnerships to:

(i) Conduct a needs assessment; and

(ii) Work collaboratively with high-speed internet providers and technology companies across the state to encourage deployment and use, especially in unserved areas, through use of local demand aggregation, mapping analysis, and creation of market intelligence to improve the investment rationale and business case; and

(i) Establish low-cost programs to improve computer ownership, technology literacy, and high-speed internet access for disenfranchised or unserved populations across the state.

(4) By September 1, 2008, the department of information services shall provide a status update to the telecommunications committees in the house of representatives and the senate, outlining the progress made to date by the work group and the issues remaining to be considered.

(5) By December 1, 2008, the department of information services shall complete the high-speed internet deployment and adoption strategy and provide a report to the fiscal and telecommunications committees in the house of representatives and the senate, the governor, and the office of financial management. The main objective of the report is to outline, based on the efforts of the work group, what legislation is needed in order to implement the high-speed internet deployment and adoption strategy, including a range of potential funding requests to accompany the legislation. Specifically, the report shall include the following:

(a) Benchmarks, performance measures, milestones, deliverables, timelines, and such other indicators of performance and progress as are necessary to guide development and implementation of the high-speed internet deployment and adoption strategy, both short term and long term, including an assessment of the amount of funding needed to accomplish a baseline assessment of the high-speed internet infrastructure owned by public and private entities of the state in an eighteen-month period; and

(b) Ways to structure and appropriately scale and phase development and implementation of the high-speed internet deployment and adoption strategy so as to link to, leverage, and otherwise synchronize with other relevant and related funding, technology, capital initiatives, investments, and opportunities.

NEW SECTION. Sec. 3. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department of information services, the department of community, trade, and economic development, the utilities and transportation commission, or any other governmental agent or agency shall not gather or request any information related to high-speed internet infrastructure or service from providers of telecommunications or high-speed internet services that could be classified as proprietary or competitively sensitive.

(2) Nothing in this section may be construed as limiting the authority of the utilities and transportation commission to gather or request information from providers of telecommunications services pursuant to its authority under Title 80 RCW.

(3) Nothing in this section may be construed as limiting the authority of the department of information services to gather or request information from providers of telecommunications services in order to carry out the business of the department, including acquisitions and procurements, contracting, other solicitations, and any planning or architecture-related activities.

NEW SECTION. Sec. 4. Nothing in this act may be construed as giving the department of information services or any other entities any additional authority, regulatory or otherwise, over providers of telecommunications and information technology.

NEW SECTION. Sec. 5. A new section is added to chapter 43.105 RCW to read as follows:

(1) By January 1, 2009, the department, in consultation with the utilities and transportation commission and other relevant agencies, shall identify and make publicly available a web directory of public

facilities that provide community technology programs throughout the state.

(2) For the purposes of this section, "community technology program," also known as a digital inclusion program, means a program engaged in diffusing information and communications technology in local communities, particularly in unserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software ownership, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

NEW SECTION. Sec. 6. If sections 1 through 5 of this act become null and void, the department of information services shall include high-speed internet adoption and deployment in its 2009-2011 strategic plan.

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 1 through 5 of this act, referencing sections 1 through 5 of this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 5 of this act are null and void."

Correct the title.

Representative McCoy and Kretz spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representatives Hudgins and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6438, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6438, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6447, By Senators Hobbs, Jacobsen, Shin and Rasmussen

Allowing unpaid leaves of absence for military personnel needs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce and Labor was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

Representative Morrell moved the adoption of amendment (1455) to the committee amendment:

On page 2, after line 32, insert the following:

"**Sec. 5.** RCW 38.40.060 and 2001 c 71 s 1 are each amended to read as follows:

Every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding (~~fifteen~~) twenty-one days during each year beginning October 1st and ending the following September 30th. Such leave shall be granted in order that the person may report for active duty, when called, or take part in active training duty in such manner and at such time as he or she may be ordered to active duty or active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the officer or employee shall receive from the state, or the county, city, or other political subdivision, his or her normal pay."

Representatives Morrell and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

There being no objection, the amendment to the committee amendment was adopted.

There being no objection, the committee amendment as amended was adopted.

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

Representatives Conway 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 Senate Bill No. 6447, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6447, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representative Dunn - 1.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SENATE BILL NO. 6447, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6583, By Senate Committee on Ways & Means (originally sponsored by Senators Brandland and Hargrove)

Changing provisions relating to eligibility for medical assistance.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Bailey moved the adoption of amendment (1484) to the committee amendment:

On page 2, line 29 of the amendment, after "July 1," strike "2009" and insert "2008"

On page 4, beginning on line 3 of the amendment, strike all of section 4

Representatives Bailey, Chandler, Schindler, Dunn and Alexander spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Hinkle moved the adoption of amendment (1431) to the committee amendment:

On page 4, after line 2 of the amendment, insert the following:

"**Sec. 4.** RCW 48.41.100 and 2007 c 259 s 30 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions, and those persons (~~whose benefits are duplicated under public programs~~) who become eligible

for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007."

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

Representatives Hinkle and Cody spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Hinkle moved the adoption of amendment (1481) to the committee amendment:

On page 4, beginning on line 3 of the amendment, strike all of section 4

Representative Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

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

Representatives Cody and Hinkle 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 Senate Bill No. 6583, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6583, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representative Dunn - 1.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 6583, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by

Senators Spanel, Kohl-Welles, Honeyford, Prentice, Murray and Rasmussen)

Requiring the licensing of home inspectors.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Conway moved the adoption of amendment (1464) to the committee amendment:

On page 3, line 29 of the striking amendment, after "board;" strike "and"

On page 3, line 31 of the striking amendment, after "board" insert ";" and

(4) To adopt fees as provided in RCW 43.24.086"

On page 4, line 20 of the striking amendment, after "inspector;" strike "and"

On page 4, line 22 of the striking amendment, after "act" insert ";" and

(5) The fee in the amount set by the department"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Takko moved the adoption of amendment (1449) to the committee amendment:

On page 7, line 15 of the amendment, after "RCW;" strike "or"

On page 7, line 16 of the amendment, after "15.58 RCW" insert ";" or

(7) Certified real estate appraisers licensed under chapter 18.140 RCW"

Representatives Takko and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6606, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6606, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6641, By Senators Regala, Zarelli and Carrell; by request of Department of Revenue

Providing that voter-approved increases in property tax levy limitations for a multiyear period of up to six years do not permanently increase a taxing district's levy base, unless otherwise provided in the ballot proposition.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1427):

On page 3, beginning on line 22, strike all of section 2 and 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."

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1427) to Engrossed Senate Bill No. 6641.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1427) to Engrossed Senate Bill No. 6641, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 55, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Goodman, Haler, Hankins, Herrera, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Seaquist, Smith, Wallace, Walsh and Warnick - 38.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Eddy, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 55.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

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

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6641.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6641 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Darneille, DeBolt, Dickerson, Dunn, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SENATE BILL NO. 6641, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Marr)

Regarding the intensive case management and integrated crisis response pilot programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

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

Representatives Dickerson, Ahern, Hinkle and Walsh 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 Senate Bill No. 6665, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6665, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6791, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Marr)

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.

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 Hinkle 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 Senate Bill No. 6791.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6791 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 6791, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6792, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens)

Concerning dependency matters.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Jarrett moved the adoption of amendment (1501) to the committee amendment:

On page 11, beginning on line 20 of the amendment, after "date" strike all material through "months" on line 21, and insert "~~(; preferably before)~~. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi)."

On page 12, after line 7 of the amendment, insert the following:

"**Sec. 4.** RCW 13.34.145 and 2007 c 413 s 9 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home

care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not

limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 (~~and 13.34.138~~), 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal

guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter."

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

Representative Jarrett spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Dickerson moved the adoption of amendment (1480) to the committee amendment:

On page 29, after line 15 of the amendment, insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 13.34 RCW to read as follows:

(1) A child who is age twelve years or older and who is the subject of a dependency under this chapter has the following rights with respect to all hearings conducted on his or her behalf under this chapter:

(a) The right to receive notice of the proceedings and hearings;

(b) The right to be present at hearings; and

(c) The right to be heard personally.

(2) At the request of the child, the child's guardian ad litem or attorney, or upon the court's own motion, the court may conduct an interview with the child in chambers to determine the child's wishes as to the issues pending before the court. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

(3) A child's right to attend a hearing conducted on his or her behalf and to be heard by the court cannot be denied or limited by the court absent a specific written finding by the court that such denial or limitation is in the best interests of the child and necessary for the health, safety, and welfare of the child.

(4) Prior to each hearing, the child's guardian ad litem or attorney shall determine if the child wishes to be present and to be heard at the hearing. If the child wishes to attend the hearing, the guardian ad litem or attorney shall coordinate with the child's

caregiver and the department or supervising agency to make arrangements for the child to attend the hearing. Nothing in this subsection shall be construed to create a duty on the department or supervising agency to transport the child.

Sec. 4. RCW 13.34.096 and 2007 c 409 s 1 are each amended to read as follows:

(1) Prior to each proceeding held with respect to a child in juvenile court under this chapter, the department of social and health services or other supervising agency shall provide notice of the right to be present and to be heard:

(a) To the child's foster parents, preadoptive parents, or other caregivers ~~((with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter)); and~~

(b) To the child if the child is age twelve years or older.

(2) The rights to notice and to be heard apply only to the child and persons with whom ((*) the child has been placed by the department or other supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 5. RCW 13.34.105 and 2000 c 124 s 4 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem for a child subject to a proceeding under this chapter, including an attorney specifically appointed by the court to serve as a guardian ad litem, include but are not limited to the following:

(a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;

(b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;

~~((*)~~ (d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

~~((*)~~ (e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

~~((*)~~ (f) To represent and be an advocate for the best interests of the child.

(2) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100~~((*)~~) (7), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the

age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100."

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

Representative Dickerson, Walsh, Kagi and Haler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Lantz spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

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

Representatives Kagi, Walsh 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 Substitute Senate Bill No. 6792, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6792, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6792, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6847, By Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Weinstein, Delvin, Haugen and Shin; by request of Insurance Commissioner)

Regulating real estate settlement services.

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 Kirby and Roach 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 Senate Bill No. 6847.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6847 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 6847, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6855, By Senate Committee on Ways & Means (originally sponsored

by Senators Kilmer, Brandland, Hatfield and McAuliffe)

Concerning funding for jobs, economic development, and local capital projects.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Amendment (1446) was ruled out of order.

Representative Ormsby moved the adoption of amendment (1428):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are each reenacted and amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. ~~((Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality.))~~ Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances,

providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

~~((a))~~ (3) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

~~((b))~~ All transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280.

~~((3))~~ (4) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in ~~((rural natural resources impact areas and rural counties of))~~ the state.

~~((4))~~ (5) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((5))~~ (6) The legislature finds that sharing economic growth statewide is important to the welfare of the state. ~~((Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region.))~~ The ability of ~~((these))~~ communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. ~~((Rural counties and rural natural resources impact areas generally lack these necessary tools and resources to diversify and revitalize their economies.))~~ It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board ~~((for rural counties and rural natural resources impact areas.))~~ and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

Sec. 2. RCW 43.160.020 and 2004 c 252 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) ~~(("Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.))~~

~~((3))~~ "Department" means the department of community, trade, and economic development.

~~((4))~~ "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

~~((5))~~ "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020:

~~((6))~~ "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

~~((7))~~ (3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

~~((8))~~ "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

~~((9))~~ "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

~~((10))~~ "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

~~((11))~~ (4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

~~((12))~~ (5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

~~((13))~~ "Rural natural resources impact area" means:

~~((a))~~ A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;

~~((b))~~ A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or

~~((c))~~ A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.

~~((14))~~ For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

~~((a))~~ A lumber and wood products employment location quotient at or above the state average;

~~((b))~~ A commercial salmon fishing employment location quotient at or above the state average;

~~((c))~~ Projected or actual direct lumber and wood products job losses of one hundred positions or more;

~~((d))~~ Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

~~((e))~~ An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or

~~more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.~~)

Sec. 3. RCW 43.160.030 and 2004 c 252 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter ~~((and the allocation of private activity bonds))~~.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

(7) A majority of members currently appointed constitutes a quorum.

Sec. 4. RCW 43.160.050 and 1996 c 51 s 4 are each amended to read as follows:

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

~~(7) ((Exercise all the powers of a public corporation under chapter 39.84 RCW.~~

~~(8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.~~

~~(9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.~~

~~(10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.~~

~~(11)) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.~~

~~((12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.~~

~~(13) Service, contract, and pay for the servicing of loans for industrial development facilities.~~

~~(14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.~~

~~(15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.~~

~~(16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.~~

~~(17)) (8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.~~

~~((18)) (9) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.~~

Sec. 5. RCW 43.160.060 and 2007 c 231 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent

that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, ~~((at least ten))~~ no more than twenty-five percent of all financial assistance ~~((provided))~~ approved by the board in any biennium ~~((shall))~~ may consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

~~(c) ((For the acquisition of real property, including buildings and other fixtures which are a part of real property:~~

~~— (d))~~ For a project the primary purpose of which is to facilitate or promote gambling.

~~(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.~~

(2) The board shall only provide financial assistance:

~~(a) For ((those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders:~~

~~— (b) For projects which it finds)) a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and~~

~~(ii) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities(~~

~~— (c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made));~~

~~(b) For a project that cannot meet the requirement of (a) of this subsection but is a project that:~~

~~(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic~~

~~development commission pursuant to chapter 43.162 RCW, once the plan is adopted;~~

~~(ii) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~(iii) Can demonstrate project feasibility using standard economic principles; and~~

~~(iv) Is located in a rural community as defined by the board, or a rural county;~~

~~(c) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.~~

~~(3) The board shall develop guidelines for local participation and allowable match and activities.~~

~~(4) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~(5) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~

~~(6) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.~~

~~(7) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.~~

~~(8) The board shall prioritize each proposed project according to:~~

~~(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed ((and according)), but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~(b) The rate of return of the state's investment, ((that includes the)) including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project; ((and))~~

~~(c) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~(d) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; and~~

~~(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~((4)) (9) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.~~

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 6. RCW 43.160.070 and 1999 c 164 s 104 are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account (~~(and the distressed county public facilities construction loan account)~~) shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter (~~(or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature)~~). The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the account(s). ~~((The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220-))~~

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties (~~(or rural natural resources impact areas, as the board determines)~~). The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. ~~((Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account.))~~ Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

Sec. 7. RCW 43.160.074 and 1985 c 433 s 5 are each amended to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the department of transportation (~~(commission)~~).

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the department of transportation (~~(commission)~~) as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the department of transportation (~~(commission)~~) as specified in RCW 47.01.280.

(4) The board shall notify the department of transportation (~~(commission)~~) of its decision regarding any application made under this section.

Sec. 8. RCW 43.160.076 and 1999 c 164 s 105 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter (~~(without reference to financial assistance provided under RCW 43.160.220)~~), the board shall (~~(spend)~~) approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties (~~(or rural natural resources impact areas)~~).

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties (~~(or rural natural resources impact areas)~~) are clearly insufficient to use up the (~~(seventy-five percent)~~) allocations under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties (~~(or rural natural resources impact areas)~~).

Sec. 9. RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall (~~(report to the appropriate standing committees of the legislature biennially on the implementation of)~~) conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The (~~(report)~~) evaluations shall include information on the number of applications for community economic revitalization board assistance(;;); the number and types of projects approved(;;); the grant or loan amount awarded each project(;;); the projected number of jobs created or retained by each project(;;); the actual number and cost of jobs created or retained by each project(;;); the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans(;;); and the number of project terminations. The (~~(report)~~) evaluations may also include additional performance measures and recommendations for programmatic changes. ~~((The first report shall be submitted by December 1, 1994.))~~

(2)(a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic development commission for review and comment, as required in section 10 of this act. The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

NEW SECTION. Sec. 10. A new section is added to chapter 43.162 RCW to read as follows:

The Washington state economic development commission shall review and provide written comments and recommendations for

inclusion in the biennial evaluation conducted by the community economic revitalization board under RCW 43.160.900.

Sec. 11. RCW 43.160.080 and 1998 c 321 s 30 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter ~~((except moneys of the board collected in connection with the issuance of industrial development revenue bonds and moneys deposited in the distressed county public facilities construction loan account under RCW 43.160.220;))~~ and any moneys appropriated to it by law ~~((PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184)).~~ Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW.

NEW SECTION. Sec. 12. (1) The legislature recognizes that although many regions of the state are thriving, there are still distressed communities throughout rural and urban Washington where capital investments in community services initiatives could create vibrant local business districts and prosperous neighborhoods.

(2) The legislature also recognizes that nonprofit organizations provide a variety of community services that serve the needs of the citizens of Washington, including many services implemented under contract with state agencies. The legislature also finds that the efficiency and quality of these services may be enhanced by the provision of safe, reliable, and sound facilities, and that, in certain cases, it may be appropriate for the state to assist in the development of these facilities.

(3) The legislature finds that providing these capital investments is critical for the economic health of local distressed communities, helps build strong relationships with the state, and expands life opportunities for underserved, low-income populations.

NEW SECTION. Sec. 13. A new section is added to chapter 43.63A RCW to read as follows:

The definitions in this section apply throughout RCW 43.63A.125, this section, and sections 14 and 16 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Distressed community" means: (a) A county that has an unemployment rate that is twenty percent above the state average for the immediately previous three years; (b) an area within a county that the department determines to be a low-income community, using as guidance the low-income community designations under the community development financial institutions fund's new markets tax credit program of the United States department of the treasury; or (c) a school district in which at least fifty percent of local elementary students receive free and reduced-price meals.

(3) "Nonprofit organization" means an organization that is tax exempt, or not required to apply for an exemption, under section 501(c)(3) or 501(c)(6) of the federal internal revenue code of 1986, as amended.

(4) "Technical assistance" means professional services provided under contract to nonprofit organizations for feasibility studies,

planning, and project management related to acquiring, constructing, or rehabilitating nonresidential community services facilities.

NEW SECTION. Sec. 14. A new section is added to chapter 43.63A RCW to read as follows:

The building communities fund account is created in the state treasury. The account shall consist of legislative appropriations and gifts, grants, or endowments from other sources as permitted by law. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for capital and technical assistance grants as provided in RCW 43.63A.125.

Sec. 15. RCW 43.63A.125 and 2006 c 371 s 233 are each amended to read as follows:

(1) The department shall establish ~~((a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in))~~ the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential ((social)) community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, evaluate, and prioritize applications for the ((assistance)) building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from ~~((local governments;))~~ nonprofit organizations ((and other entities, as determined by the department)).

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. ~~((At a minimum;))~~ Applicants must demonstrate that the ((requested assistance)) proposed project:

(i) Will increase the range, efficiency, or quality of the ((social)) services ((it provides)) provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c) The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. ~~((Grant assistance under this section shall not exceed twenty-five~~

~~percent of the total cost of the project.))~~ The department shall require a nonstate match for grant assistance under this section. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. Grant assistance may not exceed fifty percent of the total cost of the project.

~~((b))~~ (d) The department may not:

(i) Set a monetary limit to funding requests; or

(ii) Require that state funds be the last to be spent on a project.

(3)(a) The department shall submit a ~~((prioritized))~~ ranked list of recommended projects annually to the governor and the legislature in the department's ~~((biennial))~~ capital budget requests beginning with the ~~((2001-2003))~~ 2009-2011 biennium and thereafter. ~~((For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget.))~~ The list shall include a description of each project, its total cost, the amount of requested state funding, and the amount of recommended state funding ~~((and documentation of nonstate funds to be used for the project)).~~

(b) The total amount of recommended state capital funding for projects on ~~((a biennial))~~ the annual ranked project list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter, and shall not exceed ~~((ten million dollars))~~ forty percent of the total amount appropriated for the building communities fund program. In addition, if cash funds have been appropriated, up to three million dollars may be used for technical assistance grants. ~~((Except for the 1999-2001 biennium.))~~ The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

~~((c))~~ (4) The department shall also submit to the legislature an unranked list of the remaining eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine, in the legislature's sole discretion, any additional building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the annual unranked list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter, and shall not exceed sixty percent of the total amount appropriated for the building communities fund program.

(5) In addition to the ranked and the unranked lists, the department shall submit to the appropriate fiscal committees of the legislature:

(a) All application materials it received and all working papers it developed during its evaluation process; and

(b) A summary report that describes the solicitation, evaluation and prioritization processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements for future competitive rounds.

(6) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(7) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of

time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

NEW SECTION. Sec. 16. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall develop accountability and reporting standards for grant recipients. At a minimum, the department shall use the criteria listed in RCW 43.63A.125(2)(b) to evaluate the progress of each grant recipient.

(2) Beginning January 1, 2011, the department shall submit an annual report to the appropriate committees of the legislature, including:

(a) A list of projects currently under contract with the department under the building communities fund program; a description of each project, its total cost, the amount of state funding awarded and expended to date, the project status, the number of low-income people served, and the extent to which the project has met the criteria in RCW 43.63A.125(2)(b); and

(b) Recommendations, if any, for policy and programmatic changes to the building communities fund program to better achieve program objectives.

NEW SECTION. Sec. 17. The legislature finds that communities surrounding Washington's military bases should reflect our state's appreciation of the armed forces and the value of the sacrifice of military personnel stationed in our region. Declining resources for new infrastructure has increased pressure on cities and counties and, as urban areas have grown near Washington's military bases, these areas have often developed in a pattern that has not supported the needs of the military for housing and services.

The legislature finds that local governments can implement funding options to encourage high-quality redevelopment of the neighborhoods nearest the state's military bases, and infrastructure consistent with the highest public health, safety, and welfare standards in a manner supportive to the military's esprit de corps.

NEW SECTION. Sec. 18. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must conduct a military improvement zone pilot program. The principal purpose of the pilot program is to encourage the development of high-quality infrastructure and affordable housing in the areas nearest to federal military bases. The pilot program must also determine the effectiveness of the program in increasing the development of high-quality infrastructure and additional affordable housing in improvement zones. The pilot program must be administered by the department.

(2)(a) The department, for purposes of the pilot program authorized by this section, must designate qualifying areas as military improvement zones.

(b) Applications to designate qualifying areas as improvement zones may be submitted by counties or cities. To be eligible for designation as an improvement zone in the pilot program, an area must:

(i) Be a defined geographic area consisting of a neighborhood or contiguous neighborhoods;

(ii) Be within two miles of not more than two federal military bases, which base or bases have over thirty thousand personnel

combined, that are wholly contained within either tract 720 or 806 as designated by the United States census bureau; and

(iii) Demonstrate a need for infrastructure improvements that result from population growth, a limited property tax base, a low-income population, a lack of affordable housing, or a designation of a majority of the area as qualified census tracts by the United States department of housing and urban development.

(3) The department must:

(a) Develop operational guidelines and criteria for the pilot program; and

(b) Provide technical assistance to counties and cities participating in the pilot program.

(4) Subject to the availability of amounts appropriated for this specific purpose, the department must provide grants to counties and cities participating in the pilot program authorized under this section. The grants must only be for public infrastructure projects related to affordable housing projects for the improvement zone. Authorized uses include, but are not limited to:

(a) Street and road construction necessary to serve the improvement zone;

(b) Water and sewer system construction; and

(c) Construction of storm water and drainage management systems.

(5)(a) The department must provide a comprehensive pilot program status report to the governor and appropriate committees of the house of representatives and the senate by September 30, 2010.

(b) The department must report its pilot program findings and recommendations to the governor and appropriate committees of the house of representatives and the senate by September 30, 2012.

(6) As used in this section, "affordable housing" has the same meaning as in RCW 43.185A.010.

(7) This section expires June 30, 2013.

NEW SECTION. Sec. 19. A new section is added to chapter 82.32 RCW to read as follows:

(1) To be eligible for distributions under section 20 of this act, the county or city must:

(a) Submit an application to the department prior to the initiation of construction of the affordable housing project. The application must be in a form and manner required by the department and must include provisions verifying that:

(i) The project is in a military improvement zone designated by the department under section 18 of this act;

(ii) The expected completion date of the construction of the affordable housing project is consistent with the requirements of the department;

(iii) The proceeds distributed under section 20 of this act will be used for infrastructure that is required for the development to occur;

(iv) At least twenty-five percent of the housing units in the project qualify as affordable housing; and

(v) A development agreement has been made between the developer and the applicable county or city providing for: (A) The number of affordable housing units to be developed; (B) site and building design specifications; and (C) the infrastructure necessary for the project to be constructed. The department must rule on the application within forty-five days of its receipt;

(b) Submit an expenditure plan to the department within one hundred twenty days of the date the application is submitted under (a) of this subsection (1). The plan must specify the intended use of proceeds distributed under section 20 of this act. The department must notify the county or city of any deficiencies in the expenditure plan within ninety days of its submittal.

(2) Proceeds distributed under section 20 of this act may only be used for public infrastructure projects related to a qualifying affordable housing project. Authorized uses include, but are not limited to:

(a) Street and road construction necessary to serve the improvement zone;

(b) Water and sewer system construction; and

(c) Construction of storm water and drainage management systems.

(3) As used in this section, "affordable housing" has the same meaning as in RCW 43.185A.010.

(4) As used in this section, "department" means the department of community, trade, and economic development.

(5) The department may not transfer money to the account established in section 20 of this act after July 1, 2013.

NEW SECTION. Sec. 20. A new section is added to chapter 43.330 RCW to read as follows:

(1) The military improvement zone account is created in the custody of the state treasurer. Receipts from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source, specifically designated for purposes of sections 18 and 19 of this act, must be deposited into the account. Expenditures from the account may be used by a county or city only for public infrastructure projects authorized under sections 19(2) and 18(4) of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of revenue must distribute proceeds under this section annually at no cost to the receiving county or city. Proceeds must be distributed to a city or county by July 1st of each year, beginning in the state fiscal year following the fiscal year in which initiation of construction of the affordable housing project begins.

(3) The department of revenue may not distribute proceeds under this section for construction occurring after the date of completion specified in section 19(1)(a)(ii) of this act. However, the department of revenue, in consultation with the department, may extend the date of completion for good cause shown.

NEW SECTION. Sec. 21. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must conduct an examination of land use tools and funding options that local governments can implement to encourage:

(a) High-quality development of the neighborhoods nearest the state's military bases;

(b) Affordable housing for military personnel; and

(c) Infrastructure for this housing that is consistent with the highest public health, safety, and welfare standards.

(2) As used in this section, "affordable housing" has the same meaning as in RCW 43.185A.010.

(3) The department must report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by January 30, 2009.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) RCW 43.160.100 (Status of board) and 1984 c 257 s 3;

(2) RCW 43.160.120 (Commingling of funds prohibited) and 1984 c 257 s 5;

- (3) RCW 43.160.130 (Personal liability) and 1984 c 257 s 6;
- (4) RCW 43.160.140 (Accounts) and 1987 c 422 s 8 & 1984 c 257 s 7;
- (5) RCW 43.160.150 (Faith and credit not pledged) and 1984 c 257 s 8;
- (6) RCW 43.160.160 (Security) and 1984 c 257 s 9;
- (7) RCW 43.160.170 (Special reserve account) and 1984 c 257 s 10;
- (8) RCW 43.160.200 (Economic development account--Eligibility for assistance) and 2004 c 252 s 4, 1999 c 164 s 107, 1996 c 51 s 9, & 1995 c 226 s 16;
- (9) RCW 43.160.210 (Distressed counties--Twenty percent of financial assistance) and 1998 c 321 s 31 & 1998 c 55 s 5;
- (10) RCW 43.160.220 (Distressed county public facilities construction loan account) and 1998 c 321 s 9;
- (11) RCW 43.160.230 (Job development fund program) and 2007 c 231 s 4 & 2005 c 425 s 2;
- (12) RCW 43.160.240 (Job development fund program--Maximum grants) and 2005 c 425 s 3; and
- (13) RCW 44.28.801 (State public infrastructure programs and funds--Inventory--Report) and 2006 c 371 s 229 & 2005 c 425 s 5.

NEW SECTION. Sec. 23. Sections 1, 2, 4 through 11, and 22 of this act take effect July 1, 2009.

NEW SECTION. Sec. 24. Section 3 of 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 Chandler moved the adoption of amendment (1490) to amendment (1428):

On page 9, beginning on line 33, after "board" strike everything through "adopted" on line 35

On page 10, beginning on line 11, after "board" strike everything through "adopted" on line 13

Representatives Chandler and Bailey spoke in favor of the adoption of the amendment to amendment (1428).

Representative Kenney spoke against the adoption of the amendment to amendment (1428).

The amendment to amendment (1428) was not adopted.

Representative Chandler moved the adoption of amendment (1491) to amendment (1428):

On page 10, beginning on line 36, strike all of subsection (7)

Renumber the sections consecutively and correct any internal references accordingly.

Representative Chandler spoke in favor of the adoption of the amendment to amendment (1428).

Representatives Linville and Miloscia spoke against the adoption of the amendment to amendment (1428).

The amendment to amendment (1428) was not adopted.

Representative Bailey moved the adoption of amendment (1483) to amendment (1428):

On page 11, beginning on line 12, after "(c)" strike everything through "(d)" on line 14

Renumber the sections consecutively and correct any internal references accordingly.

Representative Bailey spoke in favor of the adoption of the amendment to amendment (1428).

Representative Ormsby spoke against the adoption of the amendment to amendment (1428).

The amendment to amendment (1428) was not adopted.

Representative McDonald moved the adoption of amendment (1465) to amendment (1428):

Beginning on page 15, beginning on line 25, strike all of sections 12 through 16

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representative McDonald spoke in favor of the adoption of the amendment to amendment (1428).

Representative Pettigrew spoke against the adoption of the amendment to amendment (1428).

The amendment to amendment (1428) was not adopted.

Representative Ormsby spoke in favor of the adoption of the amendment (1428).

Representative Bailey and Newhouse spoke against the adoption of the amendment (1428).

The amendment was adopted.

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

Representatives Kenney, Ormsby and Kelley spoke in favor of the passage of the bill.

Representative Halder, Alexander, McDonald, Orcutt and Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6855, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6855, as amended by the House, and the bill passed the House by the following vote: Yeas - 65, Nays - 28, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Halder, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 28.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SECOND SUBSTITUTE SENATE BILL NO. 6855, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8028, By Senators Shin, Berkey, Honeyford, Hobbs, Swecker, Delvin, Roach, Rasmussen and Benton

Requesting that the President and Congress support the participation of Taiwan in the World Health Organization.

The joint memorial was read the second time.

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

Representatives Hasegawa and Hinkle spoke in favor of the passage of the joint memorial.

Representative Seaquist spoke against the passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8028.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8028 and the joint memorial passed the House by the following vote: Yeas - 85, Nays - 8, Absent - 0, Excused - 5.

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

Voting nay: Representatives Chase, Eddy, Flannigan, Lantz, Liias, Roberts, Rolfes and Seaquist - 8.

Excused: Representatives Dunshee, Eickmeyer, Hailey, Skinner and Sump - 5.

SENATE JOINT MEMORIAL NO. 8028, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6534, By Senators McAuliffe and Tom

Regarding the revision of mathematics standards.

The bill was read the second time.

Representative Quall moved the adoption of amendment (1512):

On page 1, after line 17, insert the following:

"**Sec. 2.** RCW 28A.305.215 and 2007 c 396 s 1 are each amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, which shall provide

review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

~~(4)(a) By (January 31) February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). ((The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2008 legislative session.))~~

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under subsection (4)(c) of this section and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under subsection (4)(c) are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) By May 15, 2008, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) By June 30, 2008, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By May 15, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary, middle, and high school grade spans.

(d) By June 30, 2009, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend

conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

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 Quall, Anderson, Hunter and Priest spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representatives Sullivan and Anderson 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 Senate Bill No. 6534, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6534, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

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

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SENATE BILL NO. 6534, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5596, By Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Benton, Kline, Poulsen, Keiser and Roach)

Requiring fair payment for chiropractic services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Cody moved the adoption of amendment (1478) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, a health carrier may not develop and use a payment methodology that would result in a payment to a chiropractor under a physical medicine and rehabilitation payment or billing code or an evaluation and management payment or billing code in an amount less than a payment to a different provider licensed under Title 18 RCW who is being paid under the same physical medicine and rehabilitation payment or billing code or the same evaluation and management payment or billing code. For payment methodologies that are developed and used on or after January 1, 2009, it is presumed that payment or billing codes that apply only to health care services provided by chiropractors are not in compliance with this requirement unless the carrier shows to the commissioner's satisfaction that the payment or billing codes are used only to achieve the purposes permitted under (b) of this subsection.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices; or

(ii) Health care provider contracting to comply with the network adequacy standards of RCW 48.43.515 and the rules adopted by the commissioner establishing network adequacy standards.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payment methodologies developed or used on or after January 1, 2009.

Sec. 2. RCW 41.05.017 and 2007 c 502 s 2 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, 70.02.900, section 1 of this act, and 48.43.083.

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2009, the commissioner shall require carriers to report such data as the commissioner may determine are necessary for an evaluation of the impact of section 1 of this act on the utilization and cost of health care services associated with physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes, and on the total cost of episodes of care for treatment associated with the use of these payment or billing codes.

(2) The data may include, but need not be limited to, the following:

(a) Data on the utilization of physical medicine and rehabilitation services and evaluation and management services associated with payment or billing codes for those services;

(b) Data related to changes in the distribution or mix of health care providers providing services under physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes;

(c) Data related to trends in carrier expenditures for services associated with physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes; and

(d) Data related to trends in carrier expenditures for the total cost of health plan enrollee care for treatment of the presenting health problems associated with the use of physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes.

(3) The commissioner may adopt rules necessary to implement this section, including but not limited to the format and timing of data reporting and defining the years for which data must be provided.

(4)(a) Data, information, and documents provided by the carrier pursuant to this section are exempt from public inspection and copying under chapter 42.56 RCW to the extent that they contain actuarial formulas, statistics, and assumptions submitted in support of setting rates for the carrier's health plans.

(b) The commissioner is authorized to use documents, materials, or other information obtained pursuant to this section in the furtherance of any regulatory activities, reports to the legislature, or legal actions brought as a part of the commissioner's official duties.

(5) The commissioner shall submit the evaluation required in subsection (1) of this section to the appropriate committees of the senate and house of representatives by January 1, 2012.

NEW SECTION. Sec. 4. This act expires June 30, 2013."

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hinkle spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

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

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

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5596, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5596, as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 15, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, 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, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Alexander, Chandler, Condotta, Crouse, Dunn, Ericksen, Haler, Hinkle, Kretz, Kristiansen, Ross, Schindler, Schmick and Warnick - 15.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5596, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute Senate Bill No. 5596.

NORMA SMITH, 10th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute Senate Bill No. 5596.

BARBARA BAILEY, 15th District

SUBSTITUTE SENATE BILL NO. 6596, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Regala, Stevens, Marr, Shin, McAuliffe, Brandland and Kilmer)

Providing for the creation of a sex offender policy board.

The bill was read the second time.

Representative Chandler moved the adoption of amendment (1466):

On page 4, after line 28, insert the following:

"(3) The board shall report annually starting December 1, 2008 to the governor and the legislature with findings on (i) current research and best practices related to risk assessment, treatment, and supervision of sex offenders; (ii) community education regarding sex offenses and offenders; (iii) prevention of sex offenses; (iv) sex offender management; (v) the performance of sex offender prevention and response systems; and (vii) any other activities performed by the board in the prior 12 months in the furtherance of the purposes of this act."

Representatives Chandler and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representative O'Brien spoke in favor of the passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6596, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6596, as amended by the House, and the bill passed the House by the following vote: Yeas - 64, Nays - 30, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dickerson, Dunshee, Eddy, Ericks, Fromhold, Goodman, Grant, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jarrett,

Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Liias, Linville, Loomis, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, Darneille, DeBolt, Dunn, Ericksen, Flannigan, Green, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 30.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6596, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6231, By Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen and Shin)

Improving the coordination of marine protected areas.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations Subcommittee on General Government & Audit Review was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

With the consent of the House, amendment (1486) was withdrawn.

Representative Nelson moved the adoption of amendment (1425):

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

"(5) Until the summary of issues and recommendations relating to marine protected areas required under this section is completed and delivered to the appropriate committees of the legislature, the department of natural resources shall not enter into any lease that allows for the use of state-owned aquatic lands located within an area included in the definition of "marine protected area" if the proposed use of the state-owned aquatic lands includes the construction of a dock or other barge-loading facility designed to facilitate the removal of sand, gravel, or other mineral resources if the lease has, regardless of any required mitigation, any potential negative impact on eelgrass beds, fish spawning grounds, or other natural feature of the marine protected area either by the proposed construction or its intended use."

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

Representatives Pearson, Orcutt and Hurst spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Upthegrove moved the adoption of amendment (1516):

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

"(5) The marine protected areas work group established under this section shall coordinate with the marine managed areas work group established in section 5 of this act. The marine protected areas work group is to focus primarily on marine protected areas located in coastal waters as defined in RCW 43.143.020, while the marine managed areas work group established in section 5 of this act is to focus primarily on the Puget Sound. The two work groups may share resources and expertise when appropriate."

On page 3, after line 3, strike all of section 3 and insert the following:

NEW SECTION. Sec. 3. (1) The legislature finds that many state agencies and local governments administer marine protected areas, preserves, conservation areas, and other similar geographically based area designations that are a valuable means to protect and enhance Puget Sound's marine resources. The legislature further finds that climate change impacts and increased population and development in the Puget Sound basin will place further stresses upon sustaining the biological diversity and ecosystem health of Puget Sound.

(2) It is the intent of the legislature that state and local actions intended to protect, conserve, and manage marine life and resources be conducted in a coordinated manner, use the best available science, consider the projected impacts on Puget Sound's marine areas from climate change, and contribute to the recovery of the Puget Sound's environmental health by 2020.

(3) It is the purpose of this act to:

(a) Create a strategic network of marine managed areas that contribute to conserving the biological diversity and ecosystem health of Puget Sound and that maximizes the effectiveness of the role of marine managed areas in achieving the recovery of Puget Sound's health by 2020;

(b) Strengthen the coordination of marine managed areas among multiple state agencies and local governments and align these efforts with the work of the Puget Sound partnership to recover the Puget Sound's health by 2020;

(c) Provide for management and designation of marine managed areas programs on an ecosystem basis and incorporate the best available scientific information into these programs;

(d) Adopt a plan that builds a comprehensive system of marine managed areas in Puget Sound, adopts goals and benchmarks for maintaining the diversity of marine life and resources in Puget Sound, and is based upon anticipated threats and stressors such as climate change impacts;

(e) Recognize the interrelationship of the marine ecosystem throughout the Pacific Northwest, and the multiple entities, including local, state, provincial, and federal governments, as well as tribal governments and first nations, that are involved in managing marine managed areas; and

(f) Adopt codified criteria and procedures applicable to the aquatic reserve program on state-owned aquatic lands.

Sec. 4. RCW 90.71.010 and 2007 c 341 s 2 are each amended to read as follows:

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

(1) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in RCW 90.71.300 and 90.71.310.

(2) "Action area" means the geographic areas delineated as provided in RCW 90.71.260.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under RCW 90.71.310.

(8) "Marine managed area" means a named, discrete geographic marine or estuarine area designated by statute, ordinance, resolution, or administrative action, whose designation is intended to protect, conserve, or otherwise manage the marine life and resources within the area.

~~(9)~~ (9) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photics zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

~~((9))~~ (10) "Panel" means the Puget Sound science panel.

~~((10))~~ (11) "Partnership" means the Puget Sound partnership.

~~((11))~~ (12) "Plan" means the Puget Sound marine managed areas plan developed under section 5 of this act.

(13) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on July 1, 2007.

~~((12))~~ (14) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in RCW 90.71.340, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

~~((13))~~ (15) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine ~~((resource[s]))~~ resources committees including those working with the Northwest straits commission, nearshore groups, and watershed lead entities.

~~((14))~~ (16) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

NEW SECTION. Sec. 5. A new section is added to chapter 90.71 RCW to read as follows:

(1) The partnership shall prepare a Puget Sound marine managed areas plan to coordinate and strengthen all of the marine managed areas programs managed by state agencies and local governments.

(2) The chair of the council shall designate a work group on marine managed areas to prepare the plan. The work group shall include one or more members of the Puget Sound science panel, one of whom must chair the work group. The work group must include, but not be limited to, state agencies and local governments with regulatory jurisdiction over or that manage marine managed areas including, but not limited to, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and the department of ecology. The work group shall also include the state biodiversity council, created by executive order 04-02, or the biodiversity council's successor entity. The chair of the council shall also invite representatives of tribal governments, federal agencies, cities, counties, and nongovernmental organizations that have designated or have significant interests in the management of Puget Sound marine managed areas. The chair of the council may also invite representatives from other states and provinces and first nation and tribal governments with interests in marine managed areas in the Pacific Northwest to participate on the work group as observers.

(3) The plan must include, but not be limited to:

(a) Guidelines for identifying key species of concern, threats to these species, and threshold levels of protected habitat needed to recover these species and Puget Sound as a whole to health by 2020;

(b) Guidelines for incorporating the best available scientific information when designating and managing marine managed areas;

(c) Guidelines for managing areas on an ecosystem basis and for coordinating multiple programs and areas within the same biogeographical regions to achieve ecosystem-based management;

(d) Benchmarks to measure progress toward the recovery of species and protected habitat;

(e) Recommendations for adequate levels of funding for the designation, long-term management, and monitoring of the marine managed areas in the network;

(f) Strategies to address the projected impacts to marine managed areas from population growth, existing and proposed upland and aquatic lands development, and storm water discharges to Puget Sound;

(g) Strategies to prepare for and manage the impacts of climate change, including impacts due to sea level changes, salinity changes, water temperature, increased acidification, and changes in frequency and intensity of precipitation events affecting storm water discharges to marine waters;

(h) An adaptive management component in which new information on the progress of implementing management goals for the individual marine managed areas and overall goals for all such areas, the contribution these areas are making toward the goals of recovering the health of Puget Sound by 2020, and climate change impacts may be considered and integrated into the designation and management of marine managed areas; and

(i) Methodologies for synthesizing monitoring results with programmatic goals to inform decision making on subsequent designation and marine managed areas strategies and any necessary changes in implementation strategies to increase the effectiveness of the marine managed areas program in achieving the goal of recovering the Puget Sound's health by 2020.

(4) The plan must also include comprehensive objectives for coordinating existing marine managed areas and designating additional areas to achieve a network of marine managed areas contributing to long-term conservation of important biota and marine

ecosystems and recovery of Puget Sound by 2020. In developing the objectives the work group shall rely primarily upon existing plans and objectives relating to conservation of marine life in Puget Sound, and the program plans prepared by state agencies and local governments administering marine managed areas programs. The plan must also consider activities and uses within or adjacent to marine managed areas that are allowed under existing leases of state-owned aquatic lands issued under chapter 79.105 RCW.

(5) The plan must be completed by July 1, 2010, and submitted to the council for its review and approval. The plan must be incorporated into the Puget Sound action agenda adopted under RCW 90.71.310. The council shall provide for public review and comment on the plan in a manner comparable to the other provisions of the Puget Sound action agenda. The council may, with the assistance of the work group, amend the plan from time to time using public review and comment procedures comparable to those that apply when other elements of the Puget Sound action agenda are revised.

(6) The marine managed areas work group established under this section shall coordinate with the marine protected areas work group established in section 2 of this act. The marine managed areas work group is to focus primarily on the Puget Sound, while the marine protected areas work group established in section 2 of this act is to focus primarily on coastal waters as defined in RCW 43.143.020. The two work groups may share resources and expertise when appropriate.

Sec. 6. RCW 79.105.210 and 2005 c 155 s 143 are each amended to read as follows:

(1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in state-owned aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values. When withdrawing lands from leasing for the purposes of managing an aquatic reserve, the department shall be guided by the procedures and criteria of section 7 of this act.

(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.105 through 79.140 RCW.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

NEW SECTION. Sec. 7. A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

(1) The aquatic reserve system is established. The aquatic reserve system is comprised of those areas of state-owned aquatic lands designated by the department prior to the effective date of this section and any areas added to the system by order of the commissioner thereafter.

(2) State-owned aquatic lands that have one or more of the following characteristics may be included by order of the commissioner in the system as an aquatic reserve:

(a) The lands have been identified as having high priority for conservation, natural systems, wildlife, or low-impact public use values;

(b) The lands have flora, fauna, geological, recreational, archaeological, cultural, scenic, or similar features of critical importance and have retained to some degree or reestablished its natural character;

(c) The lands provide significant examples of native ecological communities;

(d) The lands have significant sites or features threatened with conversion to incompatible uses; and

(e) The lands have been identified by the Puget Sound science panel created in RCW 90.71.270 as critical to achieving recovery of Puget Sound by 2020.

(3)(a) The commissioner shall adopt procedures for submission of reserve nominations and for public participation in the review of proposed reserves.

(b) If, consistent with the best available scientific information, a reserve no longer meets the goals and objectives for which it was designated, and adaptive management has not been successful to meet the goals and objectives, the commissioner may by order modify the reserve boundaries or remove the area from reserve status.

(c) The commissioner shall provide public participation procedures for the proposals.

(4) In the designation and management of reserves within Puget Sound, as geographically defined in RCW 90.71.010, the commissioner shall be guided by the marine managed areas plan adopted under section 5 of this act. Within twenty-four months of the adoption of the marine managed areas plan under section 5 of this act, the department shall complete a review of existing management plans and pending reserve nominations for consistency with the guidelines and recommendations in the marine managed areas plan. The commissioner shall accord substantial weight to any recommendations provided by the Puget Sound partnership regarding the designation and management of reserves within Puget Sound.

(5) Where the commissioner determines that management of the taking of fish, shellfish, or wildlife within or adjacent to the reserve would enhance the objectives for which the reserve has been created, the commissioner shall request that the fish and wildlife commission act pursuant to section 8 of this act to adopt supporting rules.

(6) The aquatic reserve system must be coordinated with other marine managed areas, federally recognized marine protected areas, and related regulatory programs. The department shall:

(a) Cooperate with other state agencies and local governments to manage state-owned aquatic lands consistently with the management of uses and activities in the same geographic areas by state parks, the department of fish and wildlife, the department of ecology, and other state agencies; and

(b) Provide recommendations to local governments in updating their shoreline master programs and in sponsoring local marine park reserves or voluntary stewardship areas to seek consistent planning and management activities in areas adjacent to designated reserves.

(7)(a) State agencies with authority over construction activities or water discharges in state waters or that otherwise implement

programs that affect a designated aquatic reserve shall give special consideration to increasing protection and reducing and preventing pollution of these areas, consistent with the management objectives of the reserve.

(b) The department should participate in any public processes regarding water discharge or construction permitting affecting aquatic reserves to aid other agencies in their understanding of the provisions of this subsection.

NEW SECTION. Sec. 8. A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission may adopt rules governing the taking of fish, shellfish, or wildlife within or adjacent to an aquatic reserve designated by the department of natural resources under section 7 of this act, or other marine managed areas, as that term is defined in RCW 90.71.010. The commission shall give consideration within sixty days to any rule changes requested by the commissioner of public lands to support the purposes of an aquatic reserve.

(2) This section is in addition to and does not limit the commission's authority to establish rules governing the taking of fish, shellfish, or wildlife under any other authority.

NEW SECTION. Sec. 9. The Puget Sound partnership shall provide the plan required by section 5 of this act to the appropriate committees of the legislature by December 1, 2010, together with its recommendations for further policy legislation and budget recommendations to enhance Puget Sound marine managed areas programs.

Sec. 10. RCW 90.71.300 and 2007 c 341 s 12 are each amended to read as follows:

(1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, ~~((and))~~ identification of responsible entities, and the marine managed areas plan adopted under section 5 of this act. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, nearshore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

Sec. 11. RCW 36.125.030 and 2007 c 344 s 4 are each amended to read as follows:

(1) The Puget Sound (~~(action team, or its successor organization,)) partnership~~ shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide."

Correct the title.

Representative Darneille moved the adoption of amendment (1517) to amendment (1516):

On page 6, after line 16 of the amendment, insert the following:

"NEW SECTION. Sec. 6. (1) The work product delivered by the marine managed areas work group established in section 5 of this act must include at least one case study regarding how consistent standards, methods, or protocols that may aid governmental organizations with the future identification of marine managed areas can be developed.

(2) The case study required by this section must be designed to analyze how and when future marine managed areas can or should be developed in urbanized areas where the purpose of the marine protected area is to protect the marine shoreline and adjacent upland environmental, cultural, or community values.

(3) The case study required by this section must be located in an urban marine waterway located in Puget Sound adjacent to uplands areas available for public access that includes at least one park area developed, in part, with money from the Washington wildlife and recreation program that includes or is planning to include a seawall, walking paths, interpretive displays, and a cultural botanical display area and includes within the borders of the case study area at least one nearby area of state-owned aquatic lands currently under lease with the department of natural resources for use as an industrial marine repair facility capable of servicing marine vessels that are seventy-five feet or more in length.

(4) Until the results of the case study required by this section are delivered to the leadership council of the Puget Sound partnership as part of the work product required by section 5 of this act, the city government with jurisdiction over uplands adjacent to the case study area is prohibited from allowing any shoreline uses or expansions not currently authorized for shorelines located within or adjacent to the case study area if the shoreline use or expansion is related to an industrial use capable of performing any of the following actions on marine vessels that are seventy-five feet or more in length: Construction, refurbishment, maintenance, repair, lay berthing, or demolition."

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

Representative Darneille spoke in favor of the adoption of the amendment to amendment (1516).

Representative Pearson spoke against the adoption of the amendment to amendment (1516).

The amendment to amendment (1516) was adopted.

Representative Upthegrove spoke in favor of the adoption of the amendment (1516) as amended.

Representative Pearson spoke against the adoption of the amendment (1516) as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 64 - YEAS; 30 -NAYS; 4 EXCUSED.

The amendment as amended was adopted.

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

Representatives Upthegrove and Cody spoke in favor of the passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6231, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6231, as amended by the House, and the bill passed the House by the following vote: Yeas - 68, Nays - 26, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille,

Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Grant, Haler, Herrera, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 26.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6231, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, Rule 13(c) was suspended.

SUBSTITUTE SENATE BILL NO. 6804, By Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Carrell, Hobbs, Shin, Roach, Kohl-Welles, Marr, McAuliffe, Rasmussen and Benton)

Providing grants to community colleges for long-term care worker training.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

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

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

Representative McDonald spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6804, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6804, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

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

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6804, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6743, By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rasmussen, McAuliffe, Tom and Shin)

Regarding training and guidelines for teachers of students with autism.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations Subcommittee on Education was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Quall moved the adoption of amendment (1417):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.155 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction shall print and distribute the autism guidebook as developed by the caring for Washington individuals with autism task force and make it and other relevant materials available through the department of health, department of social and health services, and the office of the superintendent of public instruction web sites and other methods as appropriate. The office of the superintendent of

public instruction shall provide copies of the autism guidebook to educational service districts, school districts, and appropriate school level employees, as well as to those parent advocacy groups and other educational staff who request copies. The autism guidebook shall include, but not be limited to, the following guidelines to address the unique needs of students with autism:

(a) Extended educational programming, including extended day and extended school year services, that consider the duration of programs and settings based on an assessment of behavior, social skills, communication, academics, and self-help skills;

(b) Daily schedules reflecting minimal unstructured time and active engagement in learning activities, including lunch, snack, and recess, and providing flexibility within routines that are adaptable to individual skill levels and assist with schedule changes, such as field trips, substitute teachers, and pep rallies;

(c) In-home and community-based training or a viable alternative that assists the student with acquisition of social and behavioral skills, including strategies that facilitate maintenance and generalization of those skills from home to school, school to home, home to community, and school to community;

(d) Positive behavior support strategies based on information, such as:

(i) Antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and

(ii) A behavior intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings;

(e) Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;

(f) Parent and family training and support, provided by qualified personnel with experience in autism spectrum disorder, that:

(i) Provides a family with skills necessary for a child to succeed in the home and community setting;

(ii) Includes information regarding resources such as parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching and management techniques related to the child's curriculum; and

(iii) Facilitates parental carryover of in-home training and includes strategies for behavior management and developing structured home environments and communication training so that parents are active participants in promoting the continuity of interventions across all settings;

(g) A suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social and behavioral progress based on the child's developmental and learning level, including acquisition, fluency, maintenance, and generalization, that encourages work towards individual independence as determined by:

(i) Adaptive behavior evaluation results;

(ii) Behavioral accommodation needs across settings; and

(iii) Transitions within the school day;

(h) Communication interventions, including language forms and functions that enhance effective communication across settings, such as augmentative, incidental, and naturalistic teaching;

(i) Social skills supports and strategies based on social skills assessment and curriculum and provided across settings, for example trained peer facilitators such as a circle of friends, video modeling, social stories, and role playing;

(j) Professional educator and staff support, such as training provided to personnel who work with students to assure the correct

implementation of techniques and strategies described in the individualized education programs; and

(k) Teaching strategies based on peer reviewed and research-based practices for students with autism spectrum disorder, such as those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training.

(2) By December 1, 2008, the professional educator standards board and the office of the superintendent of public instruction shall, in collaboration with the educational service districts, local school districts, and the autism center at the University of Washington as appropriate, develop recommendations for autism awareness instruction and methods of teaching students with autism for all educator preparation and professional development programs. It is the intent of the legislature that the recommendations shall be designed with the goal of ensuring that educators and classified staff who work with autistic children are well prepared and up-to-date on the most effective methods of teaching children with autism. The recommendations shall be submitted to the governor and the education committees of the legislature and shall be made available to school districts on the office of the superintendent of public instruction's web site. The professional educator standards board and the office of the superintendent of public instruction may each submit its recommendations separately or the recommendations may be submitted jointly. The recommendations shall at a minimum:

(a) Establish a date by which all candidates for a Washington instructional certificate shall be required to satisfactorily complete instruction in autism awareness and methods of teaching students with autism at an accredited institution of higher education; and

(b) Establish appropriate professional development requirements for existing teachers that incorporate methods for teaching students with autism.

(3) If the legislature formally approves the recommendations through the omnibus appropriations act or by statute or concurrent resolution, by July 1, 2009, each school district shall use the recommendations developed under subsection (2) of this section to develop and adopt a school district policy regarding recommended and required professional development for teachers and appropriate classified staff.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.155 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health, the department of social and health services, educational service districts, local school districts, the autism center at the University of Washington, and the autism society of Washington, shall distribute information on child find responsibilities under Part B and Part C of the federal individuals with disabilities education act, as amended, to agencies, districts, and schools that participate in the location, evaluation, and identification of children who may be eligible for early intervention services or special education services.

(2) To the extent funds are made available, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, shall develop posters to be distributed to medical offices and clinics, grocery stores, and other public places with information on autism and how parents can gain access to the diagnosis and identification of autism and contact information for services and support. These must be made available on the internet for ease of distribution."

Correct the title.

Representative Quall moved the adoption of amendment (1454) to amendment (1417):

On page 3, line 23, strike "autistic children" and insert "children with autism"

Representatives Quall and Roach spoke in favor of the adoption of the amendment to amendment (1417).

The amendment to amendment (1417) was adopted.

Representatives Quall, Roach and Priest spoke in favor of the adoption of the amendment (1417).

The amendment as amended was adopted.

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

Representatives Quall and Roach 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 Senate Bill No. 6743, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6743, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

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

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6743, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6761, By Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Spanel and Rasmussen)

Regarding service areas for wetlands mitigation banks.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ecology and Parks was before the House for purpose of amendment. (For Committee amendment, see Journal, 46th Day, February 28, 2008.)

Representative Upthegrove moved the adoption of amendment (1415) to the committee amendment:

On page 2, beginning on line 15 of the striking amendment, strike all of section 2 and insert the following:

"Sec. 2. RCW 90.84.040 and 1998 c 248 s 5 are each amended to read as follows:

(1) The department may certify only those banks that meet the requirements of this chapter. Certification shall be accomplished through a banking instrument. The local jurisdiction in which the bank is located shall be signatory to the banking instrument.

(2) For a bank for which an application for a banking instrument was filed January 1, 2008, or thereafter, the department may not certify a bank without local approval of the bank. The local jurisdiction in which the bank is located has final approval over the certification of the mitigation bank. If the local government approves the bank, it shall be a signatory to the banking instrument.

~~((2))~~(3) State agencies and local governments may approve use of credits from a bank for any mitigation required under a permit issued or approved by that state agency or local government to compensate for the proposed impacts of a specific public or private project."

Representatives Upthegrove and Pearson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

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

Representatives Upthegrove and Pearson 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 Senate Bill No. 6761, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6761, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

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

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6761, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6187, By Senators Shin, Rasmussen, Schoesler, Morton, Murray and Kohl-Welles

Creating the food animal veterinarian conditional scholarship program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations Subcommittee on Education was adopted. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

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

Representatives Haigh and Schmick 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 Senate Bill No. 6187, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6187, as amended by the House, and the bill passed

the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

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

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SENATE BILL NO. 6187, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 6, 2008

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1283,
HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1623,
HOUSE BILL NO. 2283,
HOUSE BILL NO. 2564,
HOUSE BILL NO. 2650,
HOUSE BILL NO. 2699,
SUBSTITUTE HOUSE BILL NO. 2770,
HOUSE BILL NO. 2825,
SECOND SUBSTITUTE HOUSE BILL NO. 2870,
SUBSTITUTE HOUSE BILL NO. 2893,
SUBSTITUTE HOUSE BILL NO. 2902,
SUBSTITUTE HOUSE BILL NO. 2959,
SUBSTITUTE HOUSE BILL NO. 3002,
SUBSTITUTE HOUSE BILL NO. 3071,

as the same are herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2008

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6809, By Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, McAuliffe, Rockefeller, Eide, Oemig, Hatfield, Regala, Fraser, Brown, Fairley, Tom, Kilmer, Keiser, Franklin, Kauffman, Kline, Rasmussen, Spanel, Jacobsen and Kohl-Welles)

Providing a tax exemption for working families measured by the federal earned income tax credit.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Hunter moved the adoption of amendment (1515):

On page 2, beginning on line 25, after "period," strike all material through "act" on line 27 and insert "the working families' tax exemption authorized under this section shall be approved by the legislature in the state omnibus appropriations act before persons may claim the exemption during the fiscal period"

On page 3, after line 26, insert the following:

"(8) The department shall limit its costs for the exemption program to the initial start-up costs to implement the program. The state omnibus appropriations act shall specify funding to be used for the ongoing administrative costs of the program. These ongoing administrative costs include, but are not limited to, costs for: the processing of internet and mail applications, verification of application claims, compliance and collections, additional full-time employees at the department's call center, processing warrants, updating printed materials and web information, media advertising, and support and maintenance of computer systems."

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

Representative Orcutt spoke against the adoption of the amendment.

The amendment was adopted.

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

Representatives Green, Ormsby, Pettigrew, Hasegawa, Kenney, Dickerson, Darneille and Kessler spoke in favor of the passage of the bill.

Representatives Orcutt, Condotta, Hinkle, Armstrong, Chandler, Walsh, Schindler, Smith, Kristiansen 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 Substitute Senate Bill No. 6809, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6809, as amended by the House, and the bill passed the House by the following vote: Yeas - 57, Nays - 37, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Clibborn, Condotta, Crouse, DeBolt, Dunn, Ericksen, Fromhold, Grant, Haler, Herrera, Hinkle, Hunter, Jarrett, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Schual-Berke, Smith, Takko, Walsh and Warnick - 37.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6809, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Marr, Weinstein, Pridemore, Kauffman, Keiser, McAuliffe, Hobbs, Regala, Kline, Kohl-Welles, Fairley, Oemig, Rockefeller, Prentice and McDermott)

Addressing the impacts of climate change through the growth management act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

Representative Warnick moved the adoption of amendment (1487) to the committee amendment:

On page 1, line 20 of the striking amendment, after "state" strike "to provide appropriate legal authority, where required, and"

Representative Warnick spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1487) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1487) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by the following vote: Yeas - 33, Nays - 60, Absent - 0, Excused - 5.

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

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

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

Representative Haler moved the adoption of amendment (1495) to the committee amendment:

On page 2, beginning on line 13 of the striking amendment, after "(3)" insert "Any recommendations contained in the information provided by the department regarding advisory methodologies, computer modeling programs, and guidance, as required under this section, must have statistical proof from credible sources that such recommendations effectively reduce global warming and greenhouse gas emissions."

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

Representative Haler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1495) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1495) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by the following vote: Yeas - 34, Nays - 59, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Chase, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 34.

Voting nay: Representatives Appleton, Barlow, Blake, Campbell, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (1495) to Engrossed Substitute Senate Bill No. 6580.

MARALYN CHASE, 32nd District

Representative Eddy moved the adoption of amendment (1426) to the committee amendment:

On page 2, at the beginning of line 25 of the striking amendment, insert "or fewer"

On page 4, line 4 of the striking amendment, after "convene" strike all material through "from," on line 5

On page 4, line 19 of the striking amendment, after "(b)" insert "Recommendations produced by the department under this section must be approved by a majority of the voting members of the advisory policy committee.

(c)"

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

Representative Eddy spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Kessler moved the adoption of amendment (1520) to the committee amendment:

On page 3, line 14 of the striking amendment, after "2011." insert "The report must also consider the positive and negative impacts to affordable housing, employment, transportation costs, and economic development that result from addressing the impacts of climate change at the local level."

On page 3, line 31 of the striking amendment, after "(iv)" insert "Considerations of positive and negative impacts to affordable housing, employment, transportation costs, and economic development that result from addressing the impacts of climate change at the local level; (v)"

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

On page 4, line 12 of the striking amendment, after "Three" strike all material through "five" on line 12 and insert "elected official members representing counties and five elected official"

On page 4, line 37 of the striking amendment, after "properties;" strike "and"

On page 4, line 38 of the striking amendment, after "architects" insert "; and

(xii) One member representing an association of commercial forestry interests"

Representatives Kessler and Warnick spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Orcutt moved the adoption of amendment (1471) to the committee amendment:

On page 3, line 35 of the striking amendment, after "subsection." insert "Recommendations developed under this subsection (1)(a)(v): (A) May not propose increases in property taxes, real estate excise taxes, impact fees, or permitting fees; and (B) may not propose the establishment of new funding sources or taxing districts."

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

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1471) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1471) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by the following vote: Yeas - 33, Nays - 60, Absent - 0, Excused - 5.

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

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

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

Representative Bailey moved the adoption of amendment (1456) to the committee amendment:

On page 4, line 2 of the striking amendment, after "December 1," strike "2008" and insert "2009"

On page 5, line 20 of the striking amendment, after "December 31," strike "2008" and insert "2009"

On page 6, line 29 of the striking amendment, strike all of section 7

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

Representatives Bailey and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1456) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1456) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by the following vote: Yeas - 32, Nays - 61, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 32.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

Representative Chandler moved the adoption of amendment (1499) to the committee amendment:

On page 5, line 1 of the striking amendment, after "(c)" insert "Nonprofit entities that receive grant funds from a state agency for climate related issues may not serve on the advisory policy committee.

(d)"

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

Representative Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment

(1499) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1499) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by the following vote: Yeas - 31, Nays - 62, Absent - 0, Excused - 5.

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

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

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

Representative Anderson moved the adoption of amendment (1433) to the committee amendment:

On page 5, line 32 of the striking amendment, after "section" insert "2 or"

Representatives Anderson, Hinkle and Schindler spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Simpson and Eddy spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1433) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1433) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by

the following vote: Yeas - 33, Nays - 60, Absent - 0, Excused - 5.

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

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

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

Representative Anderson moved the adoption of amendment (1453) to the committee amendment:

On page 6, after line 26 of the striking amendment, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

If a county or city enacts or enforces a development regulation adopted in accordance with sections 2 or 3 of this act that restricts the use of private property, or any interest therein, and causes a loss of value or use, the property owner is entitled to compensation for the loss, associated expenses, and attorneys fees."

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

Representatives Anderson and Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1453) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1453) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by the following vote: Yeas - 36, Nays - 57, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Goodman, Grant, Haler, Hankins, Herrera, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Springer, Walsh and Warnick - 36.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 57.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

Representative McDonald moved the adoption of amendment (1485) to the committee amendment:

On page 6, after line 26 of the striking amendment, insert the following:

"NEW SECTION. Sec. 6. (1) Nothing in this act requires cities or counties planning under the growth management act to expend additional money to (a) analyze greenhouse gas emissions or (b) implement new programs if elected officials find there are higher priorities for limited government resources in their communities, including, but not limited to, paying for essential infrastructure, protecting the public health and safety, complying with labor and other contracts, and providing emergency services.

(2) Cities and counties are encouraged to incorporate voluntary mechanisms that will reduce greenhouse gas emissions and energy consumption."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives McDonald, Orcutt and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Representative Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1485) to the committee amendment to Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1485) to the committee amendment to Engrossed Substitute Senate Bill No. 6580, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 55, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Eddy, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Kelley, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Takko, Walsh and Warnick - 38.

Voting nay: Representatives Appleton, Barlow, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 55.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

With the consent of the House, amendments (1434), (1500), (1470), (1469), (1448), (1447), (1482), (1498), (1497), (1509), (1450), (1451), (1474), (1473), (1489), (1488), (1424), (1423), (1422), (1421), (1492), (1493), (1514), (1510), (1502), (1496), (1429), (1461), (1462), (1494), (1513), (1472), (1430), (1475), (1507) and (1508) were withdrawn.

The committee amendment as amended was adopted.

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

Representatives Simpson, Seaquist and Eddy spoke in favor of the passage of the bill.

Representative Warnick, Ahern, Orcutt, Schmick, Ross and Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6580, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6580, as amended by the House, and the bill passed the House by the following vote: Yeas - 59, Nays - 34, Absent - 0, Excused - 5.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Grant, Haler, Hankins, Herrera, Kessler, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Schmick, Smith, Takko, Van De Wege, Walsh and Warnick - 34.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, as amended by the House, having received the necessary constitutional majority, was declared passed.

On motion of Representative Hinkle, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE SENATE BILL NO. 6580 passed the House as amended.

RECONSIDERATION

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6580 on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 6580 on reconsideration, and the bill passed the House by the following vote: Yeas - 58, Nays - 35, Absent - 0, Excused - 5.

Voting yea: Representatives Appleton, Barlow, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Grant, Haler, Hankins, Herrera, Hinkle, Kessler, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler,

Schmick, Smith, Takko, Van De Wege, Walsh and Warnick - 35.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, on reconsideration, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3384 by Representatives Hinkle, Bailey, Newhouse, Haler, Warnick, Schmick, Walsh, Schindler, Roach, Smith, Rodne, Crouse, Priest, Chandler, Alexander, Kristiansen, Herrera, Condotta, Ross, Ahern, Pearson, McCune, Skinner, Ericksen, McDonald and Dunn

AN ACT Relating to implementing the recommendation of the blue ribbon commission on health care costs and access related to decreasing the number of the uninsured in the state; amending RCW 48.43.041, 48.44.022, 48.46.064, 48.20.029, 48.21.045, 48.44.023, and 48.46.066; adding a new section to chapter 48.43 RCW; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to the Committee on Health Care & Wellness

HB 3385 by Representatives Chase, O'Brien, Skinner and Hankins

AN ACT Relating to biological research laboratory health and safety; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 3386 by Representatives Ericksen, Crouse, Armstrong, Haler, McCune, Hankins and Dunn

AN ACT Relating to the energy independence act; amending RCW 19.285.030, 19.285.040, and 19.285.050; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 3387 by Representatives Condotta, Chandler, Crouse, Newhouse, Kretz, Schmick, Kristiansen, Warnick, Hinkle, Sump, Armstrong, Schindler and Dunn

AN ACT Relating to the use of industrial insurance funds; amending RCW 51.44.010 and 51.44.020; and adding a new section to chapter 51.44 RCW.

Referred to the Committee on Commerce and Labor

SSB 6806 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Rasmussen and Shin)

AN ACT Relating to property and leasehold excise tax exemptions for anaerobic digester production; amending RCW 84.36.635; reenacting and amending RCW 82.29A.135; and providing an effective date.

Referred to Committee on Finance.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HJM 4034 by Representatives Kessler, DeBolt, Kenney, Ericksen, Grant, Springer, Santos, Ross, Morris, Conway, Moeller, Schual-Berke, Lantz, Crouse, Flannigan, Alexander, Rolfes, Kristiansen, Liias, Smith, Barlow, Priest, Kelley, Ericks, Kagi, Blake, Hurst, Pearson, McIntire, Loomis, Roach, Skinner, Haler, Linville, Haigh, Appleton, Quall, Wood, Armstrong, McCune, Walsh, Bailey, Hankins, Warnick, Herrera, Eddy, Dunshee, Condotta, Hinkle, O'Brien, Schindler, Kretz, Ahern, Rodne, Sump, Dunn, Takko, Hudgins, Wallace, Jarrett, Chandler, Miloscia, Orcutt, Upthegrove, Sells, Newhouse, Seaquist, Williams, Simpson, Campbell, Pedersen, Fromhold, Nelson, McCoy, Hunt, Green, Goodman, Darneille, McDonald, Chase, Chopp, Clibborn, Cody, Dickerson, Eickmeyer, Hailey, Hasegawa, Hunter, Kirby, Morrell, Ormsby, Pettigrew, Roberts, Schmick, Sommers, Sullivan and Van De Wege

Requesting the United States Congress to reconsider and halt the procurement of foreign-made tankers for use by the United States Air Force.

Referred to Committee on Community & Economic Development & Trade.

Representative Hinkle moved that the rules be suspended, and that HOUSE BILL NO. 3384 be placed on the Second Reading calendar.

Representative Hinkle spoke in favor of the motion.

Representative Kessler spoke against the motion.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to suspend the rules and place House Bill No. 3384 on the Second Reading calendar.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 3384 on the Second Reading calendar, and the motion was not adopted by the following vote: Yeas - 32, Nays - 61, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 32.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

Representative Condotta moved that the rules be suspended and HOUSE BILL NO. 3387 be placed on the Second Reading calendar.

Representative Condotta spoke in favor of the motion.

Representative Kessler spoke against the motion.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to suspend the rules and place House Bill No. 3387 on the Second Reading calendar.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 3387 on the Second Reading calendar, and the motion was not adopted by the following vote: Yeas - 32, Nays - 61, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle,

Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 32.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Excused: Representatives Eickmeyer, Hailey, Hunter, Skinner and Sump - 5.

There being no objection, the bills and memorial listed on the day's introduction sheet and supplemental 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 Rules was relieved of further consideration of the following bills and the bills were placed on the Second Reading calendar:

SENATE BILL NO. 6204,
SUBSTITUTE SENATE BILL NO. 6317,
SENATE BILL NO. 6321,
SUBSTITUTE SENATE BILL NO. 6453,
SUBSTITUTE SENATE BILL NO. 6602,
SUBSTITUTE SENATE BILL NO. 6726,
ENGROSSED SENATE BILL NO. 6821,

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., March 7, 2008, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

