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SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 10, 2009

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 Alisa Lee and Audrey Eggleston. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Reuven Carlyle.

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

MESSAGE FROM THE SENATE

March 9, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
ENGROSSED SENATE BILL NO. 6048,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5423,
SECOND SUBSTITUTE SENATE BILL NO. 5491,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,
SUBSTITUTE SENATE BILL NO. 5718,
SECOND SUBSTITUTE SENATE BILL NO. 5973,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5002,
SUBSTITUTE SENATE BILL NO. 5229,
SUBSTITUTE SENATE BILL NO. 5301,
SUBSTITUTE SENATE BILL NO. 5360,
SUBSTITUTE SENATE BILL NO. 5410,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
SUBSTITUTE SENATE BILL NO. 5480,
SENATE BILL NO. 5487,
SENATE BILL NO. 5498,
SENATE BILL NO. 5500,
SUBSTITUTE SENATE BILL NO. 5501,
SUBSTITUTE SENATE BILL NO. 5608,
ENGROSSED SENATE BILL NO. 5617,
SECOND SUBSTITUTE SENATE BILL NO. 5676,

SUBSTITUTE SENATE BILL NO. 5677,
ENGROSSED SENATE BILL NO. 5714,
SUBSTITUTE SENATE BILL NO. 5777,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941,
SECOND SUBSTITUTE SENATE BILL NO. 5945,
SUBSTITUTE SENATE BILL NO. 6019,
SENATE BILL NO. 6053,
SENATE BILL NO. 6103,
SENATE JOINT MEMORIAL NO. 8013,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5879,
ENGROSSED SENATE BILL NO. 5925,
SENATE BILL NO. 5986,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5172,
SUBSTITUTE SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5317,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5763, and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2307 by Representatives Kretz, Short, Blake and Ericks

AN ACT Relating to existing uses on highway rights-of-way; and amending RCW 47.32.120.

Referred to Committee on Transportation.

ESSB 5032 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Hobbs,

Swecker, McCaslin, Shin, Berkey, Haugen, Hatfield, McAuliffe and Kilmer)

AN ACT Relating to the Washington code of military justice; amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW.

Referred to Committee on Judiciary.

SB 5120 by Senators Fairley, McDermott and Holmquist

AN ACT Relating to agricultural structures; amending RCW 19.27.015 and 19.27.100; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government & Housing.

SB 5147 by Senators Kline and Rockefeller

AN ACT Relating to criminal libel; amending RCW 43.06A.085; and repealing RCW 9.58.010, 9.58.020, 9.58.030, 9.58.040, 9.58.050, 9.58.060, 9.58.070, 9.58.080, 9.58.090, and 10.37.120.

Referred to Committee on Judiciary.

SSB 5152 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Rockefeller, McDermott and Kohl-Welles)

AN ACT Relating to statutory construction; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

SSB 5271 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, McDermott and Swecker)

AN ACT Relating to candidate filing; and amending RCW 29A.24.070, 29A.24.091, and 29A.80.041.

Referred to Committee on State Government & Tribal Affairs.

SSB 5285 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, Kauffman and Stevens)

AN ACT Relating to guardians ad litem; and amending RCW 26.44.030, 13.34.100, 26.12.175, and 26.12.177.

Referred to Committee on Judiciary.

SSB 5295 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield and Hobbs)

AN ACT Relating to the unanimous recommendations of the public records exemptions accountability committee; amending RCW 70.05.170, 42.56.380, 41.04.362, 28C.18.020, 79A.25.150, 42.56.330, and 42.56.250; reenacting and amending RCW 42.56.360; adding a new section to chapter 42.56 RCW; and repealing RCW 41.04.364.

Referred to Committee on State Government & Tribal Affairs.

SSB 5327 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, Swecker, Regala, McDermott and McAuliffe)

AN ACT Relating to technical corrections to election provisions; amending RCW 28A.343.300, 28A.343.600, 28A.343.640, and 35.02.086; adding a new section to chapter 29A.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SB 5355 by Senator Haugen

AN ACT Relating to initial levy rates for rural county library districts; and amending RCW 27.12.040 and 27.12.050.

Referred to Committee on Local Government & Housing.

SB 5359 by Senators Oemig, Pridemore, Kline and McDermott

AN ACT Relating to identifying marks on ballots; and amending RCW 29A.36.111 and 29A.60.040.

Referred to Committee on State Government & Tribal Affairs.

SB 5374 by Senator Fairley

AN ACT Relating to the board of directors of an air pollution control authority; and amending RCW 70.94.100 and 70.94.120.

Referred to Committee on Local Government & Housing.

SSB 5402 by Senate Committee on Judiciary (originally sponsored by Senators Tom, Carrell, Shin, Delvin, Kline, Fraser, Roach, Kohl-Welles and Marr)

AN ACT Relating to prevention of animal cruelty; amending RCW 16.52.011, 16.52.085, and 16.52.200; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5426 by Senators Kastama, Berkey and Fairley

AN ACT Relating to authorizing certain areas in cities or towns with a population greater than five thousand but less than ten thousand to annex to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and 52.04.131.

Referred to Committee on Local Government & Housing.

SSB 5434 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, Holmquist, Kohl-Welles and Shin)

AN ACT Relating to prohibited practices in accountancy; and amending RCW 18.04.345.

Referred to Committee on Commerce & Labor.

SSB 5440 by Senate Committee on Transportation (originally sponsored by Senators Sheldon, Kauffman, Kline, Roach and McDermott)

AN ACT Relating to naming state ferries; and amending RCW 47.01.420.

Referred to Committee on State Government & Tribal Affairs.

SSB 5461 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Haugen)

AN ACT Relating to reserve account and study requirements for condominium associations; and adding a new section to chapter 64.34 RCW.

Referred to Committee on Judiciary.

SSB 5468 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Honeyford, McCaslin, Kilmer, King, Delvin, Jacobsen, Berkey and Shin)

AN ACT Relating to permitting an exemption for nonprofit housing organizations from the consumer loan act; and amending RCW 31.04.025.

Referred to Committee on Financial Institutions & Insurance.

SB 5482 by Senators Haugen and Swecker

AN ACT Relating to two-wheeled and three-wheeled vehicles; and amending RCW 46.04.304, 46.04.330, 46.04.336, 46.37.530, 46.44.050, 46.61.610, 46.61.688, and 46.61.710.

Referred to Committee on Transportation.

SB 5507 by Senators Marr and Brown

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

Referred to Committee on Local Government & Housing.

SSB 5539 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, Jarrett, McAuliffe, Pflug and Tom)

AN ACT Relating to the investment expenses of counties; and amending RCW 36.29.024.

Referred to Committee on Local Government & Housing.

SB 5542 by Senators Franklin, Delvin and Kohl-Welles

AN ACT Relating to members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001; and amending RCW 41.26.470.

Referred to Committee on Ways & Means.

SB 5547 by Senators Hargrove, Pflug, McAuliffe, Oemig, Marr, Fairley, Kauffman, Franklin, Parlette, Carrell, Haugen, Kilmer, Jarrett, Pridemore, Shin, Kohl-Welles, Murray, Regala and Keiser

AN ACT Relating to respite care for primary care providers of persons with developmental disabilities; and amending RCW 71A.12.161.

Referred to Committee on Human Services.

SSB 5556 by Senate Committee on Transportation (originally sponsored by Senators Kilmer, Carrell and Kauffman)

AN ACT Relating to toll enforcement for infractions detected through the use of a photo enforcement system; and reenacting and amending RCW 46.63.160.

Referred to Committee on Transportation.

SB 5580 by Senators Pridemore, Brandland, Oemig, Fraser, Shin, Ranker, Rockefeller, Kline, Hargrove, Kauffman, Jarrett, Kohl-Welles, Murray, Marr, McDermott and Tom

AN ACT Relating to the time limits of school impact fee expenditures; amending RCW 82.02.070; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Local Government & Housing.

SB 5587 by Senator Pridemore

AN ACT Relating to authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines; reenacting and amending RCW 82.46.035; and providing an expiration date.

Referred to Committee on Local Government & Housing.

SSB 5665 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Benton, Franklin, Parlette, Hobbs and Shin)

AN ACT Relating to a joint self-insurance program for affordable housing entities; amending RCW 48.01.050; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5699 by Senators Franklin, Kline and Parlette

AN ACT Relating to the office of public guardianship; and amending RCW 2.72.030.

Referred to Committee on Judiciary.

SSB 5704 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens and Roach)

AN ACT Relating to creation of a flood district by three or more counties; amending RCW 85.38.090; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Local Government & Housing.

SSB 5723 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Shin and Swecker)

AN ACT Relating to providing support for small business assistance; amending RCW 28B.30.530 and 30.60.010; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on Community & Economic Development & Trade.

SSB 5727 by Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Oemig, Fairley, Sheldon, Shin and Roach)

AN ACT Relating to providing false information to voters; adding a new section to chapter 29A.84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

SSB 5732 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Regala and Hargrove)

AN ACT Relating to traffic infractions for drivers whose licenses or privileges are suspended or revoked; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SSB 5734 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Delvin and Shin)

AN ACT Relating to tuition fees; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

SSB 5738 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators King, McAuliffe, Holmquist, Swecker, Oemig, Haugen, Kauffman, Honeyford and Tom)

AN ACT Relating to annual compliance reports; and creating a new section.

Referred to Committee on Education.

SB 5751 by Senators Murray, Pflug and Keiser

AN ACT Relating to issuance of licenses to practice dentistry; and reenacting and amending RCW 18.32.195.

Referred to Committee on Health Care & Wellness.

SSB 5760 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Brandland, Zarelli, Shin, Kilmer and Kohl-Welles)

AN ACT Relating to the state universities' public works contracting procedures; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 5793 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Schoesler, Hewitt, Honeyford and Morton)

AN ACT Relating to a single-occupancy farm conveyance; and amending RCW 70.87.010 and 70.87.200.

Referred to Committee on Commerce & Labor.

ESSB 5808 by Senate Committee on Government Operations & Elections (originally sponsored by Senator Fairley)

AN ACT Relating to the annexation of unincorporated areas served by fire protection districts; amending RCW 35.10.360, 35.10.365, 35.13.130, 35.13.215, and 35.13.225; adding new sections to chapter 35.13 RCW; adding a new section to chapter 35.103 RCW; adding new sections to chapter 35A.14 RCW; and adding a new section to chapter 35A.92 RCW.

Referred to Committee on Local Government & Housing.

SSB 5839 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Shin)

AN ACT Relating to the administration of irrigation districts; amending RCW 58.17.310, 87.03.460, and 89.12.050; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Local Government & Housing.

SSB 5882 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, McAuliffe, Regala, Shin and Kline)

AN ACT Relating to an evaluation of two recommendations made by the racial disproportionality advisory committee; adding a new section to chapter 13.34 RCW; and creating a new section.

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

SSB 5891 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

AN ACT Relating to establishing a forum for testing primary care medical home reimbursement pilot projects; adding a new section to chapter 70.54 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5903 by Senators Keiser, McAuliffe and Hatfield

AN ACT Relating to public works contracts for residential construction; and amending RCW 39.12.030.

Referred to Committee on Commerce & Labor.

SSB 5904 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Prentice, Keiser, Franklin, Hobbs and Kline)

AN ACT Relating to defining independent contractor for purposes of prevailing wage; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

SB 5940 by Senator Honeyford

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 70.146.070, 90.48.290, and 90.50A.030.

Referred to Committee on Agriculture & Natural Resources.

SB 5944 by Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr

AN ACT Relating to Lake Whatcom phosphorus loading; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

SB 5980 by Senators Oemig, Brandland and Fraser

AN ACT Relating to school plant funding; amending RCW 28A.335.230, 28A.525.040, 28A.525.090, 28A.525.162, 28A.525.166, and 28A.525.168; and creating a new section.

Referred to Committee on Capital Budget.

SSB 6009 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Kastama and Fairley)

AN ACT Relating to the protection of residents of long-term care facilities; and adding a new section to chapter 70.129 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 6032 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey and Hobbs)

AN ACT Relating to exchange facilitators; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

ESB 6033 by Senators Berkey, Fairley, Kauffman, McAuliffe, Tom, Marr, Prentice, Shin, Fraser, Kohl-Welles, Eide, McDermott, Jarrett, Regala, Hobbs, Kline, Jacobsen, Murray, Franklin, Hatfield, Kilmer, Haugen, Hargrove and Sheldon

AN ACT Relating to creating the prevent or reduce owner-occupied foreclosure program; amending RCW 43.320.160, 43.320.165, and 43.320.170; and adding a new section to chapter 43.320 RCW.

Referred to Committee on Financial Institutions & Insurance.

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

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

SECOND READING

HOUSE BILL NO. 2267, by Representatives Conway, Haigh, Hunt and Kenney

Protecting the collective bargaining rights of certain exempt employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2267 was substituted for House Bill No. 2267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2267 was read the second time.

Representative Conway moved the adoption of amendment (242):

On page 5, line 19, after "RCW" insert ", or negotiated by the nonprofit public corporation formed under chapter 67.40 RCW"

On page 6, line 34, after "RCW" insert ", or negotiated by the nonprofit public corporation formed under chapter 67.40 RCW"

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

Amendment (242) was adopted.

Representative Bailey moved the adoption of amendment (184):

Beginning on page 7, line 36, strike all of section 3
Correct the title.

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

Representative Conway spoke against the adoption of the amendment.

Amendment (184) was not adopted.

The bill was ordered engrossed.

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

Representatives Conway, Linville and Appleton spoke in favor of the passage of the bill.

Representatives Alexander, Anderson and Ericksen spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "Thank you, Mr. Speaker. I rise for a point of order. The bill before us, looking at the title, simply is about collective bargaining rights. Reciting horrific tragedies of job losses in our state which we all know in our districts, does not seem to pertain to the bill."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The Speaker believes that the good gentleman from the 42nd District is actually expressing his opposition to the bill. But I would ask of the representative to connect his remarks back to the original title.

Representative Hudgins, your point is not well taken."

Representative Ericksen (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2267.

MOTION

On motion of Representative Santos, Representatives Goodman and Quall were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2267 and the bill passed the House by the following vote: Yeas, 61; Nays, 34; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Roberts, Rolfs, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representatives Goodman and Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2267, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1009, by Representatives Morris, Chase, Liias, Anderson, Orcutt, Seaquist, Hudgins and Moeller

Extending the expiration dates for existing sales and use tax exemptions related to certain electricity generation.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1009 was read the second time.

Representative Hunter moved the adoption of amendment (222):

Beginning on page 1, line 17, after "electricity" strike all material through "files" on page 2, line 2 and insert "~~((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))~~"

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

Representative Haler spoke against the adoption of the amendment.

Amendment (222) was adopted.

Representative Hunter moved the adoption of amendment (248):

Beginning on page 1, line 17, after "electricity" strike all material through "files" on page 2, line 2 and insert "~~((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))~~"

Representatives Hunter and Morris spoke in favor of the adoption of the amendment.

Representatives Haler, Chandler and DeBolt spoke against the adoption of the amendment.

The Speaker (Representative Moeller presiding) divided the House. The result was 62 – YEA; 34 – NAY.

Amendment (248) was adopted.

POINT OF ORDER

Representative DeBolt: "Mr. Speaker, I rise to a point of order. As we go through this process it is very important to me that this process work cleanly. We just had an amendment that where the House was clearly not divide, the question was clearly the amendment failed. If ever in the history since I've been here when the amendment failed it was just then. I understand that you do have the right and the ability to divide the question anytime you like, Mr. Speaker and I don't doubt your authority to do so, but Mr. Speaker, does this really just send a signal never, never ever will an amendment or the will of the minority ever have any say this body. So I really am in question of the process as a whole. I would just like your response."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The Speaker was in doubt of the result of the amendment."

Representative Chandler moved the adoption of amendment (239):

On page 2, line 7, after "sales tax" insert ", except a one hundred percent refund for state sales tax is provided for machinery, equipment, and labor and services used in the generation of electricity using wind as the principal source of power"

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

Representative McCoy spoke against the adoption of the amendment.

Amendment (239) was not adopted.

The bill was ordered engrossed.

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

Representatives Morris, Haler and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1009.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1009 and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Cody, Dickerson and Hasegawa.
Excused: Representative Quall.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1287, by Representatives Morris, Bailey, Ericks, Hinkle, Sullivan and Priest

Concerning sales and use tax exemptions in respect to aircraft used in intrastate commuter operations.

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 Morris, Bailey, Kagi and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1287.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1287 and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Hasegawa, Rolfes and Williams.

Excused: Representative Quall.

HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1435, by Representatives Condotta and Conway

Modifying licensing provisions for cigarettes and tobacco products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1435 was substituted for House Bill No. 1435 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1435 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 Condotta and Wood spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1435.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1435 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1435, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1935, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams)

Concerning adult family homes.

Representative Morrell moved the adoption of amendment (164):

On page 4, line 10, after "chapter" strike "as for-profit businesses" and insert ", whether for-profit or nonprofit,"

On page 4, line 24, after "RCW" strike "as for-profit businesses" and insert ", whether for-profit or nonprofit,"

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

Amendment (164) was adopted.

Representative Ericksen moved the adoption of amendment (166):

On page 2, beginning on line 32, strike all of sections 2 and 3 Renummer the sections consecutively and correct any internal references accordingly. Correct the title.

On page 4, line 24, after "RCW" strike all material through "RCW" on line 25 and insert "to provide services covered under chapter 70.128 RCW, except that the applicable governing documents may limit the operation of for-profit adult family homes if the governing documents prohibit the operation of all for-profit commercial activity on property under the association's jurisdiction"

Representatives Ericksen and Angel spoke in favor of the adoption of the amendment.

Representative Morrell spoke against the adoption of the amendment.

Amendment (166) was not adopted.

The bill was ordered engrossed.

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

Representatives Morrell, Green and Flannigan spoke in favor of the passage of the bill.

Representatives Ericksen, Walsh, Angel, Ericksen (again) and Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1935.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed. Second Substitute House Bill No. 1935 and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson,

Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2079, by Representatives Cody, Ericksen and Morrell

Concerning the office of financial management's access to health professional licensing information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2079 was substituted for House Bill No. 2079 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2079 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 Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2079.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2079 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall

SUBSTITUTE HOUSE BILL NO. 2079, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2126, by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Liias and Kenney

Consolidating the cemetery board and the board of funeral directors and embalmers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2126 was substituted for House Bill No. 2126 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2126 was read the second time.

Representative Cody moved the adoption of amendment (213):

On page 3, line 23, after "have" strike "a connection with" and insert "worked in or received any substantive financial benefit from"

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

Amendment (213) was adopted.

Representative Bailey moved the adoption of amendment (233):

On page 14, beginning on line 26, strike all of section 27
Correct the title.

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

Amendment (233) was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2126.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2126 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest,

Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2052, by Representative Cody

Delaying the implementation of the health insurance partnership.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2052 was substituted for House Bill No. 2052 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2052 was read the second time.

Representative Herrera moved the adoption of amendment (271):

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

"NEW SECTION. Sec. 5. A new section is added to chapter 70.47A RCW to read as follows:

The following acts or parts of acts are each repealed:

- (1) RCW 70.47A.010 (Finding--Intent) and 2007 c 260 s 1 & 2006 c 255 s 1;
- (2) RCW 70.47A.020 (Definitions) and 2008 c 143 s 1, 2007 c 260 s 2, & 2006 c 255 s 2;
- (3) RCW 70.47A.030 (Health insurance partnership established-- Administrator duties) and 2009 c --- s 1 (section 1 of this act), 2008 c 143 s 2, 2007 c 259 s 58, & 2006 c 255 s 3;
- (4) RCW 70.47A.040 (Applications for premium subsidies) and 2009 c --- s 2 (section 2 of this act), 2008 c 143 s 3, 2007 c 260 s 6, & 2006 c 255 s 4;
- (5) RCW 70.47A.050 (Enrollment to remain within appropriation) and 2007 c 260 s 12 & 2006 c 255 s 5;
- (6) RCW 70.47A.060 (Rules) and 2007 c 260 s 13 & 2006 c 255 s 6;
- (7) RCW 70.47A.070 (Reports) and 2009 c --- s 3 (section 3 of this act), 2008 c 143 s 4, & 2006 c 255 s 7;
- (8) RCW 70.47A.080 (Health insurance partnership account) and 2007 c 260 s 14 & 2006 c 255 s 8;
- (9) RCW 70.47A.090 (State children's health insurance program-- Federal waiver request) and 2006 c 255 s 9;
- (10) RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;
- (11) RCW 70.47A.110 (Health insurance partnership board-- Duties) and 2008 c 143 s 5 & 2007 c 260 s 5; and
- (12) RCW 70.47A.900 (Captions not law--2006 c 255) and 2006 c 255 s 11.

"NEW SECTION. Sec. 6. Section 5 of this act takes effect if specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by January 1, 2011, in the omnibus appropriations act."

Correct the title.

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

Representative Cody spoke against the adoption of the amendment.

Amendment (271) was not adopted.

Representative Erickson moved the adoption of amendment (278):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.47A.010 and 2007 c 260 s 1 are each amended to read as follows:

(1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a health insurance partnership program, to remove economic barriers to health insurance coverage for smaller employers and their low-wage employees ((of small employers)) by ((building on)):

(a) Enacting reforms to the private sector ((health benefit plan system)) small group health insurance market to provide affordable health insurance options for employers and employees; and

(b) Encouraging employer and employee participation in employer-sponsored health benefit plan coverage by offering subsidies to low-wage employees of small employers.

Sec. 2. RCW 70.47A.020 and 2008 c 143 s 1 are each amended to read as follows:

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

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

~~((2))~~ ~~(("Board" means the health insurance partnership board established in RCW 70.47A.100.~~

~~((3))~~ "Eligible partnership participant" means a partnership participant who:

(a) Is a resident of the state of Washington; ~~((and))~~

(b) Has family income that does not exceed two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a small employer.

~~((4))~~ (3) "Health benefit plan" has the same meaning as defined in RCW 48.43.005.

~~((5))~~ "Participating small employer" means a small employer that has entered into an agreement with the partnership to purchase health benefits through the partnership. To participate in the partnership, an employer must attest to the fact that (a) the employer does not currently offer health insurance to its employees, and (b) at least fifty percent of the employer's employees are low-wage workers.

~~((6))~~ (4) "Partnership" means the health insurance partnership established in RCW 70.47A.030.

~~((7))~~ "Partnership participant" means a participating small employer and employees of a participating small employer, and, except to the extent provided otherwise in RCW 70.47A.110(1)(c), a former employee of a participating small employer who chooses to

~~continue receiving coverage through the partnership following separation from employment.~~

~~((8))~~ (5) "Small employer" has the same meaning as defined in RCW 48.43.005.

~~((9))~~ (6) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

Sec. 3. RCW 70.47A.030 and 2008 c 143 s 2 are each amended to read as follows:

~~((+))~~ The health insurance partnership is established. To the extent funding is appropriated in the operating budget for ((this purpose, the health insurance partnership is established:)) providing premium subsidies to eligible partnership participants, the administrator shall be responsible for ((the implementation and operation of the health insurance partnership;)) determining eligibility for premium subsidies and administering subsidies directly or by contract((The administrator shall offer premium subsidies to eligible partnership participants)) under RCW 70.47A.040. ((The partnership shall begin to offer coverage no later than March 1, 2009.

~~((2))~~ Consistent with policies adopted by the board under RCW 70.47A.110, the administrator shall, directly or by contract:

~~((a))~~ Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

~~((b))~~ Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Except to the extent authorized in RCW 70.47A.110(1)(c), neither the employer nor the partnership shall limit an employee's choice of coverage from among the health benefit plans offered through the partnership;

~~((c))~~ Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropics;

~~((d))~~ Establish and manage a system for determining eligibility for and making premium subsidy payments under chapter 259, Laws of 2007;

~~((e))~~ Establish a mechanism to apply a surcharge to each health benefit plan purchased through the partnership, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans purchased through the partnership. Any surcharge amount may be added to the premium, but shall not be considered part of the small group community rate, and shall be applied only to the coverage purchased through the partnership. Surcharges may not

be used to pay any premium assistance payments under this chapter. The surcharge shall reflect administrative and operational expenses remaining after any appropriation provided by the legislature to support administrative or operational expenses of the partnership during the year the surcharge is assessed;

~~— (f) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.~~

~~— (3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.)~~

Sec. 4. RCW 70.47A.040 and 2008 c 143 s 3 are each amended to read as follows:

(1) Beginning January 1, ((2009)) 2011, subject to sufficient state or federal funding being provided specifically for this purpose, the administrator shall accept applications from eligible partnership participants, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the health insurance partnership. Every effort shall be made to coordinate premium subsidies for dependent children with federal funding available under Title XIX and Title XXI of the federal social security act, consistent with the requirements established in RCW 74.09.470(4) for the employer-sponsored insurance program at the department of social and health services.

(2) The amount of an eligible partnership participant's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for the subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

(3) After an eligible partnership participant has enrolled in the partnership, the partnership shall issue subsidies in an amount determined pursuant to subsection (2) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(4) An eligible partnership participant must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the participant, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate a participant's participation in the partnership and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

Sec. 5. RCW 70.47A.070 and 2008 c 143 s 4 are each amended to read as follows:

~~((The))~~ Upon implementation of the health insurance partnership program, the administrator shall report biennially((, beginning

~~November 1, 2010,))~~ to the relevant policy and fiscal committees of the legislature on the effectiveness and efficiency of the health insurance partnership program, including enrollment trends, the services and benefits covered under the purchased health benefit plans, consumer satisfaction, and other program operational issues.

Sec. 6. RCW 48.21.045 and 2008 c 143 s 6 are each amended to read as follows:

~~(1)((~~(a)~~)) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~— (b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~— (2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.241, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~— (b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((~~(3)~~)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the~~

primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal.) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW ~~((:~~

~~(i) Any surcharge established pursuant to RCW 70.47A.030(2)(c) shall be applied only to health benefit plans purchased through the health insurance partnership; and~~

~~(ii)), risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.~~

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.~~

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 7. RCW 48.44.023 and 2008 c 143 s 7 are each amended to read as follows:

(1)~~((a))~~ A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health~~

benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner:

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.~~

~~—(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.341, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

- ~~(i) Changes to the enrollment of the small employer;~~
- ~~(ii) Changes to the family composition of the employee;~~
- ~~(iii) Changes to the health benefit plan requested by the small employer; or~~
- ~~(iv) Changes in government requirements affecting the health benefit plan.~~

~~(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.~~

~~(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ((due to network provider reimbursement schedules or type of network)) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.~~

~~(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool((, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ((sixty)) thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ((within thirty days)) at the time of the denial.~~

~~(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW((:~~

~~—(i) Any surcharge established pursuant to RCW 70.47A.030(2)(c) shall be applied only to health benefit plans purchased through the health insurance partnership; and~~

~~—(ii)), risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.~~

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((e))~~ ~~Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.~~

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 8. RCW 48.46.066 and 2008 c 143 s 8 are each amended to read as follows:

(1)~~((a))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~((b))~~ A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

~~((2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.291, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530,

48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((4))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier

may develop its rates based on claims costs (~~(due to network provider reimbursement schedules or type of network)~~) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool(, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ((sixty)) thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ((within thirty days)) at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW(~~(:~~
~~(i) Any surcharge established pursuant to RCW 70.47A.030(2)(c) shall be applied only to health benefit plans purchased through the health insurance partnership; and~~
~~(ii))~~, risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.~~

~~(6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;

(2) RCW 70.47A.110 (Health insurance partnership board--Duties) and 2008 c 143 s 5 & 2007 c 260 s 5; and

(3) 2007 c 260 s 11 (uncodified)."

Correct the title.

POINT OF ORDER

Representative Green requested a scope and object ruling on amendment (278) to Substitute House Bill No. 2052.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Substitute House Bill 2052 is titled an act relating to "delaying the implementation of the health insurance partnership." It amends 3 sections of RCW 70.47A, the small employer health insurance partnership program, to delay its implementation until January 1, 2011, subject to sufficient funds.

Amendment (278) changes the structure of the health insurance partnership and modifies small group health benefit plans governed by Title 48 RCW.

The bill has a narrow scope and object – delaying implementation of the health insurance partnership. The amendment, which changes the structure of the partnership and the private small group health insurance market, clearly exceeds this narrow scope and object.

The point of order is well taken."

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

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

Representatives Hinkle, Herrera and Ericksen spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative Ericksen, would you please confine your remarks to the bill before us which is delaying the implementation of the health insurance partnership."

Representative Ericksen (again) spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "I rise for a point of order. The discussion before us is around delaying or not delaying the implementation of the health insurance premium. It doesn't have to do with any other questions that may have been before the House or are not presently before the House. It seems that the current speaker on the floor is not speaking to the delay or current implementation of the bill in front of us."

SPEAKER'S RULING

The Speaker (Representative Moeller presiding): "The Speaker would ask the good representative from the 42nd District to remember to discuss the bill and not attack persons. Your point is well taken."

POINT OF ORDER

Representative Anderson: "In terms of clarifying your ruling – what would you determine as a person? In hearing the argument, I am unclear as to the reference you were making to the good gentleman of the 42nd – the ruling was that he was attacking a person. I did not hear a person referenced in the debate so I am unsure. Could you clarify for me?"

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The argument is for persons, my correction."

Representative Ericksen (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2052.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2052 and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan,

Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Morris, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 2052, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2254, by Representatives White, Dunshee and Kenney**Concerning construction financing for colleges and universities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2254 was substituted for House Bill No. 2254 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2254 was read the second time.

Representative White moved the adoption of amendment (200):

On page 2, line 24, after "university" insert "for paying debt service on bonds including university bonds under chapter 28B.140 RCW, chapter 28B.142 RCW, or RCW 28B.10.300 through 28B.10.335 issued for such purpose as authorized by the legislature."

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

Amendment (200) was adopted. The bill was ordered engrossed.

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

Representatives White and Dunshee spoke in favor of the passage of the bill.

Representatives Cox and Armstrong spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2254.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2254 and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Blake, Carlyle, Chase, Chopp, Clibborn, Cody, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler,

Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Flannigan, Haler, Hasegawa, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Walsh.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2279, by Representatives Hurst, Hope, Dunshee, Kelley and Roach

Addressing the offense of assault of a child in the first degree by requiring the review of the sentencing of offenders and modifying the conditions of release.

The bill was read the second time.

Representative Hope moved the adoption of amendment (216):

On page 1, after line 5 insert the following:

"NEW SECTION, Sec. 1. This act shall be known as the Eryk Woodruff public safety act of 2009."

On page 2, line 14, after "modification" insert "of the sentences"

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

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

Amendment (216) was adopted.

Representative Hope moved the adoption of amendment (215):

On page 2, line 11, after "degree;" strike "and"

On page 2, line 12, after "(e)" insert "Consider the use of determinate plus sentencing that provides for a minimum and a maximum term of confinement for an offender convicted of assault of a child in the first degree; and

(f)"

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

Amendment (215) was adopted. The bill was ordered engrossed.

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

Representatives Hurst, Hope and Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2279.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2279 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 2279, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2287, by Representatives Kessler and Van De Wege

Requiring state agencies to use one hundred percent recycled content paper. Revised for 1st Substitute: Concerning paper conservation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2287 was substituted for House Bill No. 2287 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2287 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 Kessler, Smith and Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2287.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2287 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse,

Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 2287, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1419, by Representatives Kagi, Dickerson, Walsh, Roberts, Hunt and Appleton

Revising provisions affecting sexually aggressive youth.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1419 was substituted for House Bill No. 1419 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1419 was read the second time.

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

Representatives Kagi 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 Substitute House Bill No. 1419.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1419 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1419, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1808, by Representatives Hinkle, Morrell, Bailey, Green and Kelley

Creating an interdisciplinary work group with faculty from a paramedic training program and an associate degree nursing program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1808 was substituted for House Bill No. 1808 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1808 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 Hinkle, Morrell and Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1808.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1808 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall

SUBSTITUTE HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1879, by Representatives Jacks, Kagi, Moeller, Orcutt, Wallace, Appleton and Kenney

Providing for the delivery of educational services to children who are deaf and hearing impaired.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1879 was substituted for House Bill No. 1879 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1879 was read the second time.

Representative Jacks moved the adoption of amendment (261):

On page 13, line 4, after "impaired" insert "or deaf"

On page 13, line 9, after "about the" insert "deaf or"

Beginning on page 26, line 27, strike all of section 34, and insert the following:

"NEW SECTION. Sec. 34. (1) The board of trustees and the director of the center for childhood deafness and hearing loss shall implement a process for gathering information from stakeholders to examine service availability and gaps and to identify service delivery options, resources, and policy changes for the implementation and operation of two demonstration sites for regional programs serving children who are deaf or hard of hearing. One demonstration site shall be in an educational service district in eastern Washington. Information may be gathered through meetings conducted in educational service district regions and through other appropriate means, including the P-20 network and internet technologies. Stakeholders from whom information shall be solicited include, but are not limited to:

(a) The office of the superintendent of public instruction, including the Washington sensory disabilities services office;

(b) The office of deaf and hard of hearing services in the department of social and health services;

(c) Educational service district superintendents and school district superintendents;

(d) Parents of school-age children who are deaf or hard of hearing, including organizations advocating for the educational interests of all children who are deaf or hard of hearing without regard to any specific communication modality;

(e) Students who are deaf or hard of hearing;

(f) Adults who are deaf or hard of hearing;

(g) Nongovernmental entities providing educational services in the following communication modalities: Oral communication, manual communication, and total communication;

(h) The department of health; and

(i) The department of early learning.

(2) Based on the information gathered from stakeholders, the board and the director of the center for childhood deafness and hearing loss shall develop a structure and plan for implementing regional education programs at two demonstration sites that:

(a) Are established within an educational service district and managed through shared governance by the school districts;

(b) Collaborate and partner with, enhance, and avoid duplication of existing and available services and programs, both public and private;

(c) Provide services at one or more central locations in the education service districts;

(d) Provide services to students in their resident districts, including students who are deaf or hard of hearing who may not qualify for special education services;

(e) Include educational and transportation services for children, consultation for teachers and staff, and outreach to families; and

(f) Support communication-rich learning environments and instruction of students in the full spectrum of communication modalities by qualified professionals, including American Sign

Language, auditory oral education, total communication, and signed exact English.

(3) By December 1, 2010, the board and the director shall brief the legislature and the governor regarding the progress of implementing and operating the demonstration sites.

(4) This section expires January 1, 2011."

On page 28, beginning on line 16, strike all of section 36.

Correct the title.

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

Amendment (261) was adopted.

By adoption of amendment (261), amendment (183) was out of order.

The bill was ordered engrossed.

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

Representatives Jacks, Hales, Walsh, Orcutt and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1879.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1879 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SECOND SUBSTITUTE HOUSE BILL NO. 1879, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2119, by Representatives Wallace, Carlyle, Sullivan, Morrell, Quall, Santos and Ormsby

Expanding dual credit opportunities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2119 was substituted for House Bill No. 2119 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2119 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 Wallace and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2119.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2119 and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Hasegawa, Orcutt, Shea and Smith.
Excused: Representative Quall.

SECOND SUBSTITUTE HOUSE BILL NO. 2119, having received the necessary constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

March 10, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5005,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5138,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560,
- SENATE BILL NO. 5562,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,
- SUBSTITUTE SENATE BILL NO. 5724,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5828,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854,
- SUBSTITUTE SENATE BILL NO. 5921,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1374, by Representatives Dunshee and Warnick

Concerning the local government archives account.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1374.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1374 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

HOUSE BILL NO. 1374, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1565, by Representatives Kirby, Kelley, Williams and Simpson

Expanding the scope of business continuity plans for domestic insurers. Revised for 1st Substitute: Addressing business continuity plans for domestic insurers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1565 was substituted for House Bill No. 1565 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1565 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 Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1565.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1565 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2138, by Representatives Simpson and Chase

Concerning the use of surplus property for the development of affordable housing.

The bill was read the second time.

Representative Armstrong moved the adoption of amendment (283):

On page 2, line 1, after "cities," strike "towns, port districts, water-sewer districts, and public utility districts" and insert "and towns"

On page 6, beginning on line 7, strike all of section 4

On page 15, beginning on line 36, strike all of section 14

On page 18, beginning on line 29, strike all of section 15

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

Correct the title.

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

Amendment (283) was adopted. The bill was ordered engrossed.

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

Representatives Simpson and Armstrong spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2138.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2138 and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Armstrong, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 2138, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1597, by Representatives Springer and Hunter

Concerning the administration of state and local tax programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1597 was substituted for House Bill No. 1597 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1597 was read the second time.

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

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1597.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1597 and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1597, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1753, by Representatives Hunter, Hunt, Green, Armstrong, Kessler, Appleton and Alexander

Regarding electronic filing of reports to the legislature and the governor.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1753.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1753 and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Chandler.

Absent: Representative Dickerson.

Excused: Representative Quall.

HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2105, by Representatives Cody and Morrell

Concerning diagnostic imaging services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2105 was substituted for House Bill No. 2105 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2105 was read the second time.

Representative Cody moved the adoption of amendment (214):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced diagnostic imaging services" means magnetic resonance imaging services, computed tomography services, positron emission tomography services, cardiac nuclear medicine services, and similar new imaging services.

(2) "Authority" means the Washington state health care authority.

(3) "Payor" means public purchasers and carriers licensed under chapters 48.21, 48.41, 48.44, 48.46, and 48.62 RCW.

(4) "Public purchaser" means the department of social and health services, the department of health, the department of labor and industries, the authority, and the Washington state health insurance pool.

(5) "State purchased health care" has the same meaning as in RCW 41.05.011.

NEW SECTION. Sec. 2. (1) Consistent with the authority granted in RCW 41.05.013, the authority shall convene a work group to analyze and identify evidence-based best practice guidelines or protocols applicable to advanced diagnostic imaging services and any decision support tools available to implement the guidelines or protocols.

(2) The administrator of the authority shall appoint work group members, including at least:

(a) One member of the authority's health technology clinical committee;

(b) One representative of the Washington state medical association;

(c) One representative of the Washington state radiological society;

(d) One representative of the Puget Sound health alliance;

(e) One representative of the Washington health care forum;

(f) One representative of the Washington state hospital association;

(g) One representative of health carriers as defined in chapter 48.43 RCW; and

(h) One representative of each public purchaser.

(3) The work group shall:

(a) No later than July 1, 2009, identify evidence-based best practice guidelines or protocols and decision support tools applicable to advanced diagnostic imaging services to be implemented by all state purchased health care programs, except for state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005. When identifying the guidelines or protocols, the work group may consult with organizations such as the Minnesota institute for clinical systems improvement; and

(b) Explore the feasibility of using the guidelines or protocols for state purchased health care services that are purchased from or through health carriers and all payors in the state by January 1, 2011, for the reimbursement of advanced diagnostic imaging services.

(4) The work group may solicit such federal or private funds and in-kind contributions as may be necessary to complete its work in a timely fashion. However, no member of the work group shall be compensated for his or her service.

(5) The work group shall report its findings and recommendations to the governor and the appropriate committees of the legislature no later than July 1, 2009.

(6) The work group shall cease to exist on July 1, 2010.

NEW SECTION. Sec. 3. No later than September 1, 2009, all state purchased health care programs shall, except for state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, implement evidence-based best practice guidelines or protocols applicable to advanced diagnostic imaging services, and the decision support tools to implement the guidelines or protocols, identified under section 2 of this act.

NEW SECTION. Sec. 4. Any current or future time frames, procedures, rules, regulations, or guidance regarding accreditation requirements for advanced diagnostic imaging services established in, or promulgated pursuant to, section 135(a) of the medicare improvements for patients and providers act of 2008, shall also be applicable to any person or entity in this state not already subject to its provisions that receives payment for the furnishing of the technical component of advanced diagnostic imaging services as defined under that act.

NEW SECTION. Sec. 5. 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.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Representative Bailey moved the adoption of amendment (287) to amendment (214):

On page 3, beginning on line 9 of the amendment, strike all of section 5

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

On page 3, after line 14 of the amendment, insert the following: "Correct the title."

Representative Bailey spoke in favor of the adoption of the amendment to amendment (214).

Representative Cody spoke against the adoption of the amendment to amendment (214).

Amendment (287) to amendment (214) was not adopted.

Amendment (214) was adopted. The bill was ordered engrossed.

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

Representatives Cody, Ericksen, Liias 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 Engrossed Substitute House Bill No. 2105.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2105 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Hope, Johnson, Ross, Shea and Warnick.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1698, by Representatives Hudgins and McCoy

Creating a state broadband adoption and deployment authority. Revised for 2nd Substitute: Regarding broadband adoption and deployment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1698 was substituted for House Bill No. 1698 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1698 was read the second time.

With the consent of the House, amendment (277) was withdrawn.

Representative McCoy moved the adoption of amendment (293):

Strike everything after the enacting clause and insert the following:

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

(1) The deployment and adoption of high-speed internet services and technology advancements enhances economic development and public safety for the state's communities, as well as offering improved health care and access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents.

(2) Improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(3) 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. This includes ensuring digital inclusion in internet access, technology literacy, digital media literacy, and that all Washingtonians are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, or the size of the business or nonprofit organization.

(4) In light of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is essential the legislature create a broadband programs management structure to ensure development and implementation of statewide broadband strategies, with the ultimate goal of making high-speed internet service more readily available throughout the state, especially in areas with an uptake rate for high-speed internet below the state median.

NEW SECTION. Sec. 2. A new section is added to chapter 43.105 RCW to read as follows:

The department may continue the work of the high-speed internet strategy work group convened in 2008 by continuing to consult with representatives of telecommunications providers, technology companies, telecommunications unions, health care providers, community technology organizations, higher education, K-12 educators, and other relevant entities to implement high-speed internet deployment and adoption strategies, subject to available funding, that may include, but is not limited to:

(1) Developing programs to provide low-income families with reduced cost internet access or programs to provide low-cost internet access to nonprofit entities as suggested in the K-20 program;

(2) Securing additional funding for technology literacy, digital media literacy, and digital inclusion programs;

(3) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(4) Developing last-mile technology loan programs targeting small businesses or businesses located in underserved areas; and

(5) Establishing low-cost hardware, software, and internet purchasing programs such as including community technology organizations in state hardware and software purchasing programs.

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

(1) The department may apply for and receive federal funding for the purposes of creating or supporting broadband adoption and deployment opportunities consistent with section 2 of this act.

(2) The department is designated as the single eligible entity in the state to receive federal funding for purposes of the broadband data improvement act, P.L. 110-385.

NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

Subject to the availability of federal or state funding appropriated for this specific purpose, the department must track residential, nonprofit organization, and business adoption of high-speed internet, computers, and related information technology through publicly available sources and must work with communities to identify barriers to the adoption of broadband services and related information technology services by individuals, nonprofit organizations, and businesses."

Correct the title

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

Amendment (293) was adopted. The bill was ordered engrossed.

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

Representatives Hudgins, Haler, Orcutt and Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1698.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1698 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Warnick.

Excused: Representative Quall.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698.

JUDY WARNICK, 13th District

SECOND READING**HOUSE BILL NO. 1985, by Representatives Moeller and Pedersen****Concerning public health financing.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1985 was substituted for House Bill No. 1985 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1985 was read the second time.

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

Representatives Moeller, Hinkle and Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1985.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1985 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SECOND SUBSTITUTE HOUSE BILL NO. 1985, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1114, by Representatives Blake, Orcutt, Green, Springer, Van De Wege, Rolfes, McCune, Simpson, Goodman, Warnick and Conway**Regarding youth hunting privileges.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1114 was substituted for House Bill No. 1114 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1114 was read the second time.

Representative Hunter moved the adoption of amendment (013):

On page 1, line 14, after "age of" strike "fourteen" and insert "sixteen"

POINT OF ORDER

Representative Ericksen requested a scope and object ruling on amendment (113) to Substitute House Bill No. 1114.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Substitute House Bill 1114 is titled an act relating to "hunters under the age of fourteen." The bills requires that hunters under the age of fourteen be accompanied by an adult licensed hunter.

Amendment (013) applies this restriction to hunters under the age of sixteen. The amendment exceeds the scope of the bill as set forth in the title.

The point of order is well taken."

Representative Kretz moved the adoption of amendment (044):

On page 1, line 15, after "by a" strike "Washington-licensed hunter age eighteen or older" and insert "person age eighteen or older who has satisfied the requirement to complete a training course as provided in RCW 77.32.155, or who is not required by the terms of RCW 77.32.155 to complete a training course."

Representatives Kretz and Blake spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Amendment (044) was adopted.

Representative Kretz moved the adoption of amendment (045):

On page 1, line 16, after "hunting" insert "on land owned by a public entity"

Representatives Kretz, Klippert, Orcutt and Angel spoke in favor of the adoption of the amendment.

Representatives Blake, Takko and Liias spoke against the adoption of the amendment.

The Speaker (Representative Morris presiding) divided the House. The results was 49 – YEA; 47 – NAY.

Amendment (045) was adopted.

Representative Kretz moved the adoption of amendment (243):

On page 1, line 16, after "birds" insert "on land other than real property owned or under the control of the hunter's parents, other relative, or legal guardian"

Representatives Kretz and Blake spoke in favor of the adoption of the amendment.

With the consent of the House, amendment (243) was withdrawn.

The bill was ordered engrossed.

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

Representatives Blake, Orcutt, Kagi, Warnick and Ericksen spoke in favor of the passage of the bill.

Representatives Kretz, Lias and Dickerson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1114.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1114 and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Angel, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Conway, Dammeier, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Appleton, Armstrong, Condotta, Cox, Crouse, DeBolt, Dickerson, Ericksen, Haler, Hinkle, Hope, Johnson, Kessler, Klippert, Kretz, Lias, McCune, Moeller, Nelson, Parker, Ross, Schmick, Seaquist, Shea and Short.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114.

DAN ROACH, 31st District

SECOND READING

HOUSE BILL NO. 1751, by Representatives Kessler, Van De Wege, Takko, Kenney, Finn, Haigh and Blake

Concerning the time period during which sales and use tax for public facilities in rural counties may be collected.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1751 was substituted for House Bill No. 1751 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1751 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 Kessler and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1751.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1751 and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen and Schmick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1751, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1751.

JOE SCHMICK, 9th District

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

HOUSE BILL NO. 1197, by Representatives Haigh, Kristiansen, Hunt and Armstrong

Regarding alternative public works contracting procedures.

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 Hunt, Kristiansen and Haigh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1197.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1197 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1967, by Representatives White, Campbell, Nelson, Simpson, Williams, Wallace, Dunshee, Dickerson, Hunt, Ormsby and Sullivan

Prohibiting expansions of urban growth areas into one hundred year floodplains.

The bill was read the second time.

Representative White moved the adoption of amendment (201):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period,

except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and (~~RCW 36.70A.110~~) under this section. Such action may be appealed to the appropriate growth management hearings board

under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain;

(B) Urban development already exists within a floodplain as of the effective date of this section and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area;

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on the effective date of this section."

Correct the title.

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

Amendment (201) was adopted. The bill was ordered engrossed.

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

Representatives White, Campbell and Dunshee spoke in favor of the passage of the bill.

Representatives Angel, Pearson and DeBolt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1967.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1967 and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2042, by Representatives Kenney, Parker, Hasegawa, Chase and Ormsby

Concerning the incentive in the motion picture competitiveness programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2042 was substituted for House Bill No. 2042 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2042 was read the second time.

Representative Bailey moved the adoption of amendment (281):

On page 3, beginning on line 10, strike all of section 2
Correct the title.

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

Representatives Orcutt and Kenney spoke against the adoption of the amendment.

Amendment (281) was not adopted.

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

Representatives Kenney, Smith, Van De Wege, Parker and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2042.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2042 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 2042, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1914, by Representatives Sullivan, Kenney, Simpson and Nelson

Regarding eligibility for higher education institutions' maintenance and operations funding.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1914 was substituted for House Bill No. 1914 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1914 was read the second time.

Representative Dammeier moved the adoption of amendment (234):

On page 1, line 12, strike "current or future"

On page 1, line 13, after "approved" insert "for fiscal year 2008 or thereafter"

Representatives Dammeier, Alexander and Chandler spoke in favor of the adoption of the amendment.

Representatives Sullivan spoke against the adoption of the amendment.

Amendment (234) was not adopted.

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

Representatives Sullivan, Priest and Nelson spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1914.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1914 and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1914, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1379, by Representatives Seaquist, Angel and Liias

Regarding moratoria and other interim official controls adopted under the shoreline management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1379 was substituted for House Bill No. 1379 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1379 was read the second time.

Representative Seaquist moved the adoption of amendment (114):

On page 2, line 17, after "for" strike "one" and insert "two" and after "six-month" strike "period" and insert "periods"

On page 2, line 18, after "before" strike "the" and insert "each"

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

Amendment (114) was adopted. The bill was ordered engrossed.

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

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

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1379.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1379 and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1776, by Representatives Ericks, Haigh, Priest, Hunter, Lias, Sullivan, Pedersen, Maxwell, White and Kenney

Changing school levy provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1776 was substituted for House Bill No. 1776 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1776 was read the second time.

Representative Orcutt moved the adoption of amendment (298):

On page 5, beginning on line 15, strike all of sections 2 and 3 Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

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

Representative Hunter spoke against the adoption of the amendment.

Amendment (298) was not adopted.

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

Representatives Hunter, Dammeier and Priest spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1776.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1776 and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Crouse, Hinkle, Orcutt, Roach, Shea and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1776, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 2122, by Representatives Kessler, Blake, Ericks, Takko, Wallace, Morris, Liias, Hunt, Kelley, Quall, Sullivan and Van De Wege

Reducing the business and occupation tax burden on the newspaper industry.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (238):

On page 8, beginning on line 9, strike all of subsection (14) and insert the following:

"(14) Upon every person engaging within this state in the business of printing or publishing weekly, semimonthly, or monthly newspapers, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent."

On page 8, beginning on line 16, after "(1)" strike "Printing materials other than newspapers, and of publishing ((~~newspapers~~),) periodicals((-)) or magazines;" and insert "Printing, and of publishing newspapers, periodicals, or magazines, except printing or publishing newspapers described in RCW 82.04.260(14);"

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

Representative Hunter spoke against the adoption of the amendment.

Amendment (238) was not adopted.

Representative Kessler moved the adoption of amendment (291):

On page 8, beginning on line 9, strike all of subsection (14) and insert the following:

"(14) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent."

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

Representative Orcutt spoke against the adoption of the amendment.

Amendment (291) was adopted. The bill was ordered engrossed.

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

Representatives Kessler, Hunter and Johnson spoke in favor of the passage of the bill.

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

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Herrera, the Speaker would like to remind you that the question before the House is reducing the business and occupation tax burden on the newspaper industry. A statement should be for that against it. The Speaker would remind that a reason for voting against it would be that it doesn't do enough for tax breaks and it should be extended to a large group of folks. Arguing that you should be for it and then arguing that you should do more is not necessarily germane to debate."

Representatives Herrera (again) and Hasegawa spoke against the passage of the bill.

Representatives Anderson, Carlyle, Pearson and Klippert spoke in favor of the passage of the bill.

Representative Ross demanded the previous question and the demand was sustained.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2122.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2122 and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Bailey, Chandler, Chase, Hasegawa and Orcutt.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 2122, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1517, by Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Liias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall

Changing requirements for the restoration of the right to vote for people convicted of felonies.

The bill was read the second time.

There being no objection, the substitute bill from the Committee on State Government & Tribal Affairs was not adopted.

With the consent of the House, amendment (294) was withdrawn.

Representative Ross moved the adoption of amendment (295):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Under law it is clear that persons convicted of a felony who have not met all of their conditions of custody, including paying restitution to their victims, are not allowed to legally vote in our state. When these persons vote, it calls into question the integrity of our system and oftentimes results in an illegal voter cancelling out the vote of law-abiding citizens. It is the

intent of the legislature to make certain that the voter rolls in our state are maintained and updated so as to ensure that our election system is preserved.

The office of the secretary of state shall review current practices for purging illegal voters from the statewide voter registration database and make any necessary changes to follow current law and further enhance the integrity of our election system."

Correct the title.

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

Representative Hunt spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of amendment (295) to House Bill No. 1517.

ROLL CALL

The Clerk called the roll on the adoption of amendment (295) to House Bill No. 1517 and the amendment was not adopted by the House by the following vote: Yeas, 43; Nays, 52; Absent, 1; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Walsh and Warnick.

Voting nay: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Wood.

Absent: Mr. Speaker.

Excused: Representative Quall.

Amendment (295) was not adopted.

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

Representatives Darneille, Simpson, Pettigrew, O'Brien, Dickerson, Hunt and Ericks spoke in favor of the passage of the bill.

Representatives Armstrong, Klippert, Angel, Kristiansen, Kretz, Dammeier, Orcutt and Parker spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1517.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1517 and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Flannigan.

HOUSE BILL NO. 1517, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

March 10, 2009

HB 2029 Prime Sponsor, Representative Ericks: Concerning enhanced 911 emergency communications service. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member Parker, Assistant Ranking Minority Member.

March 9, 2009

SB 5452 Prime Sponsor, Senator Kauffman: Increasing the debt limit of the housing finance commission. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; Orwall; Smith and White.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Anderson and McCune.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated except for HOUSE BILL NO. 2029 which was placed on the second reading calendar.

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

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1165
HOUSE BILL NO. 1199
HOUSE BILL NO. 1422
HOUSE BILL NO. 1450
HOUSE BILL NO. 1487
HOUSE BILL NO. 1571
HOUSE BILL NO. 1591
HOUSE BILL NO. 1722
HOUSE BILL NO. 1774
HOUSE BILL NO. 1778
HOUSE BILL NO. 1822
HOUSE BILL NO. 1931
HOUSE BILL NO. 1954
HOUSE BILL NO. 1965
HOUSE BILL NO. 2107

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 11, 2009, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

