

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 15, 2010

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Wyatt Arledge and Jessica Olsen. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Joanne Coleman Campbell, First United Methodist Church, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 4683, by Representatives Nealey, Armstrong, Kristiansen, Walsh, Pearson, Haler, Shea, Smith, Fagan, Klippert, Orcutt, Dammeier, Warnick, Rodne, Bailey, Parker, Short, Taylor, and Chandler

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our country, and as such, we Washingtonians hold the presidency and presidents in especially high regard; and

WHEREAS, For many years our state and nation have set aside the third Monday in February to celebrate Presidents' Day, which honors former presidents of the United States of America; and

WHEREAS, Both February 12th, the actual birthday of President Abraham Lincoln, and February 22nd, the actual birthday of President George Washington, were kept and observed, until 1971, as the anniversaries of the births of these two great American presidents; and

WHEREAS, Presidents' Day, for many citizens, remains a time for specifically honoring the accomplishments of Washington, the first American president, and Lincoln, the 16th American president; and

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

WHEREAS, Not only does Presidents' Day remain a time for celebrating the specific legacies of Presidents Washington and Lincoln, but former Presidents John Adams, Thomas Jefferson, John Quincy Adams, Martin Van Buren, Andrew Johnson, Ulysses Grant, James Garfield, and Teddy Roosevelt, as well as the presidents of later decades, are honored in numerous commemorations across the country; and

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

WHEREAS, It is recognized that this diverse, wonderful land of ours has been fashioned into an uplifting, multicultural quilt thanks to the tireless efforts of our forefathers, especially George Washington and Abraham Lincoln; and

WHEREAS, The first eight American presidents, comprising almost a fifth of our 44 presidents to date, did not begin their lives

as Americans because there was no America when they were born, thus in a special way our reputation as a land of opportunity was established; and

WHEREAS, No Presidents' Day celebration would be complete without appropriate recognition for the invaluable service of the first ladies in our American presidential history; and

WHEREAS, The first ladies of our nation have not only provided citizens with role models who exemplify what it means to be an American but icons such as Dolly Madison, Eleanor Roosevelt, Jacqueline Kennedy, and Nancy Reagan have served as symbols of strength in times of adversity throughout our history;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington salute and celebrate Presidents' Day 2010, a time for recognizing and paying tribute to the tireless dedication of our former presidents and first ladies; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives, in recognition of the fact that any young person can grow up to be President of the United States of America, to the Office of the Superintendent of Public Instruction for effective distribution among the schools of Washington state to help our young people strengthen their knowledge of our presidents and first ladies.

Representative Nealey moved adoption of House Resolution No. 4683.

Representatives Nealey and White spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4683 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3187 by Representative Simpson

AN ACT Relating to medicaid reimbursement for nursing facilities; and amending RCW 74.46.421.

Referred to Committee on Ways & Means.

HJM 4030 by Representatives Lias, Driscoll, Johnson, Kirby, Wallace, Eddy, Maxwell, Williams, Hunt, White, Nelson, Seaquist, Walsh, Linville, Ericks, Orwall, Kagi, Wood, Van De Wege, Green, Cody, Darneille, Haigh, Morrell, Blake, Takko, Dickerson, Dunshee, Uptegrove, Kessler, Hudgins, Pedersen, Simpson, Goodman, Sells, O'Brien, Kenney, Rolfes, Springer, Hasegawa, Appleton, Kelley, Miloscia, Hope, Pettigrew, Priest, Warnick, McCune, Chase, Moeller, Campbell, Probst, Finn, Carlyle, Conway and Clibborn

Petitioning to make the state sales tax deduction a permanent federal income tax deduction.

Referred to Committee on Finance.

SB 6206 by Senators Haugen and Kilmer

AN ACT Relating to authorizing extensions of the due dates for filing tax incentive accountability reports and surveys with the department of revenue; amending RCW 82.32.590; and creating a new section.

Referred to Committee on Finance.

ESSB 6289 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Brandland, Marr, Rockefeller, Brown, Kohl-Welles and Kline)

AN ACT Relating to protecting lake water quality by reducing phosphorus from lawn fertilizers; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 6329 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, King, Franklin, Hewitt, Keiser, Kline and Delvin)

AN ACT Relating to creating a beer and wine tasting endorsement to the grocery store liquor license; amending RCW 66.28.310; reenacting and amending RCW 66.20.310 and 66.20.300; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SSB 6350 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Ranker, Hargrove, Jacobsen, Rockefeller, Swecker, Marr, Fraser, Murray and Kline)

AN ACT Relating to marine waters planning and management, including marine spatial planning; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.21F RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SSB 6373 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Rockefeller, Swecker, Pridemore, Marr, Kline and Fraser)

AN ACT Relating to reporting of emissions of greenhouse gases; amending RCW 70.235.010 and 70.94.151; and declaring an emergency.

Referred to Committee on Ecology & Parks.

SSB 6414 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala)

AN ACT Relating to improving the administration and efficiency of sex and kidnapping offender registration; amending RCW 9A.44.130, 9A.44.140, 9A.44.145, 9.94A.030, 9.94A.501, 9.94A.701, 9.94A.702, and 70.48.470;

adding new sections to chapter 9A.44 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services.

SB 6450 by Senators Eide, Kauffman and Shin

AN ACT Relating to requiring the department of licensing to establish continuing education requirements for court reporters; and amending RCW 18.145.050 and 18.145.100.

Referred to Committee on Judiciary.

ESSB 6468 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Kauffman, Rockefeller, Pridemore, Berkey and Kline)

AN ACT Relating to coordinating the weatherization and structural rehabilitation of residential structures; amending RCW 70.164.010, 70.164.030, 70.164.040, and 70.164.070; and reenacting and amending RCW 70.164.020.

Referred to Committee on Local Government & Housing.

ESSB 6476 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Fraser, Swecker, Delvin, Brandland, Holmquist, Becker, Parlette, Carrell, Hewitt, Schoesler, King, Roach and Kohl-Welles)

AN ACT Relating to sex crimes involving minors; amending RCW 13.32A.030, 7.68.070, 13.40.070, 13.40.070, 13.40.213, 9A.88.140, 9.68A.100, 9.68A.101, 9.68A.105, 43.63A.740, and 9.68A.110; reenacting and amending RCW 9.94A.515; adding a new section to chapter 13.32A RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 74.15 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services.

SSB 6485 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, King, Kohl-Welles, Hewitt, Hatfield, Delvin, Hobbs and Rockefeller)

AN ACT Relating to craft distilleries; and amending RCW 66.24.140, 66.24.145, 66.28.310, and 66.24.520.

Referred to Committee on Commerce & Labor.

E2SSB 6504 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

AN ACT Relating to the crime victims' compensation program; amending RCW 7.68.070, 7.68.085, 9A.82.110, 72.09.111, and 72.09.480; adding a new section to chapter 7.68 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6520 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by

Senators Hatfield, Parlette, Hobbs, Ranker, Pridemore and Shin)

AN ACT Relating to providing a one-year extension for completion of recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center; amending RCW 36.70A.560 and 36.70A.5601; amending 2007 c 353 s 6 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Local Government & Housing.

SSB 6557 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Brandland, Brown, Kohl-Welles, Shin, Fraser and Kline)

AN ACT Relating to limiting the use of certain substances in brake friction material; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

E2SSB 6561 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, McCaslin, Regala and Stevens)

AN ACT Relating to restricting access to juvenile offender records; amending RCW 13.04.240, 13.50.050, 13.50.010, 13.04.011, and 13.40.127; and creating a new section.

Referred to Committee on Human Services.

SB 6593 by Senators Gordon, Kauffman, Prentice, Oemig, Tom, Kline and Parlette

AN ACT Relating to the transfer of the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning; amending RCW 43.215.020 and 70.198.020; creating a new section; and providing an effective date.

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

ESSB 6603 by Senate Committee on Transportation (originally sponsored by Senators Marr, Haugen, Swecker, Eide and Keiser)

AN ACT Relating to land uses adjacent to general aviation airports; amending RCW 36.70.547, 36.70.330, 36.70A.070, and 36.70.020; reenacting and amending RCW 36.70A.030; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

ESB 6610 by Senators Hargrove and McAuliffe

AN ACT Relating to improving procedures relating to the commitment of persons found not guilty by reason of insanity; amending RCW 10.77.120, 10.77.150, 10.77.160, 10.77.190, 10.77.200, and 10.77.220; adding new sections to chapter 10.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services.

SSB 6611 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore, Swecker and Shin)

AN ACT Relating to extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

2SSB 6667 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman and Kastama)

AN ACT Relating to business assistance programs; amending RCW 28B.30.530, 28B.20.297, 43.06.335, 43.338.020, 43.131.409, 43.131.410, and 43.79A.040; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

SSB 6674 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Hargrove)

AN ACT Relating to agreements to indemnify against liability for negligence involving motor carriers; and amending RCW 4.24.115.

Referred to Committee on Judiciary.

2SSB 6678 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Kilmer, Marr, Berkey, Tom and Shin)

AN ACT Relating to the creation of entities to address the long- range impact of opportunities and changes in the aerospace industry; adding a new section to chapter 43.42 RCW; adding a new chapter to Title 43 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Community & Economic Development & Trade.

2SSB 6679 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, Kastama and Shin)

AN ACT Relating to the small business export finance assistance center; amending RCW 43.210.040 and 43.210.050; and adding a new section to chapter 43.210 RCW.

Referred to Committee on Community & Economic Development & Trade.

SSB 6692 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Hargrove, Ranker and Haugen)

AN ACT Relating to allowing certain counties to participate and enter into ownership agreements for electric generating facilities powered by biomass; and amending RCW 36.140.010 and 54.44.020.

Referred to Committee on Technology, Energy & Communications.

2SSB 6702 by Senate Committee on Ways & Means (originally sponsored by Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin and Kohl-Welles)

AN ACT Relating to providing education programs for juveniles in adult jails; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SSB 6706 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Murray, Delvin, Kastama, Shin, Marr, Kilmer and Kohl-Welles)

AN ACT Relating to commercialization of research at state universities; amending RCW 42.52.160; and adding new sections to chapter 28B.63 RCW.

Referred to Committee on Community & Economic Development & Trade.

SB 6720 by Senators Fraser, Delvin and Kline

AN ACT Relating to providing an optional tool for cities to use for programmatic environmental impact review; amending RCW 82.02.020; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

SSB 6721 by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler, Hobbs and Honeyford)

AN ACT Relating to tax statute clarifications and technical corrections; amending RCW 39.100.050, 82.04.190, 82.04.3651, 82.04.394, 82.08.0256, 82.08.02573, 82.08.0273, 82.08.700, 82.12.0257, 82.12.040, 82.16.110, 82.32.080, 82.36.440, 82.38.280, 82.62.010, 82.80.120, 83.100.040, 83.100.046, 83.100.046, 82.04.290, 29A.36.210, 36.68.525, 36.69.145, 84.36.381, 84.37.030, 84.37.902, 84.48.050, 84.52.030, 84.52.070, and 84.52.080; reenacting and amending RCW 82.04.050, 82.04.360, 82.16.010, 82.32.520, 84.34.020, and 84.36.383; adding a new section to chapter 82.32 RCW; repealing RCW 84.55.080; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

SSB 6747 by Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen, Fraser, Ranker, Shin and Kline)

AN ACT Relating to cost recovery for the natural heritage program; amending RCW 79.71.090; and adding a new section to chapter 79.70 RCW.

Referred to Committee on General Government Appropriations.

ESB 6762 by Senators Fraser, Haugen and Kline

AN ACT Relating to compliance with the state environmental policy act; amending RCW 43.21C.031; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Ecology & Parks.

SB 6804 by Senator Kohl-Welles

AN ACT Relating to allowing the department of social and health services to adopt rules establishing standards for the review and certification of treatment facilities under the problem and pathological gambling treatment program; and amending RCW 43.20A.890.

Referred to Committee on Human Services.

SSB 6832 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to the implementation of delivery of child welfare services through performance-based contracts by adding a foster youth representative to the child welfare transformation design committee; by clarifying the definition of supervising agency in relation to Indian tribes located in this state; by extending for six months the date by which the department must complete its contract conversion to performance-based contracts; by requiring that the performance contract conversion be accomplished in a manner that does not affect the department's ability to collect federal funding; by extending by six months the date by which supervising agencies must provide case management services in the demonstration sites; by clarifying that the primary preference for contracts if the demonstration sites are extended is with nonprofits, Indian tribes, and state employees; by clarifying that the department may provide child welfare services in the demonstration sites but only for the purpose of establishing a control or comparison group; amending RCW 74.13.368, 74.13.360, 74.13.364, and 74.13.366; reenacting and amending RCW 74.13.020; and creating a new section.

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

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

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

SECOND READING

HOUSE BILL NO. 1653, by Representative Simpson

Clarifying the integration of shoreline management act policies with the growth management act.

The bill was read the second time.

Representative Simpson moved the adoption of amendment (1155).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that Engressed Substitute House Bill No. 1933, enacted as chapter 321, Laws of 2003, modified the relationship between the shoreline management act and the growth management act. The legislature recognizes also that its 2003 efforts, while intended to create greater operational clarity between these significant shoreline and land use acts, have been the subject of differing, and occasionally contrary, legal interpretations. This act is intended to affirm and clarify the legislature's intent relating to the provisions of chapter 321, Laws of 2003.

(2) The legislature affirms that development regulations adopted under the growth management act to protect critical areas apply within shorelines of the state as provided in section 2 of this act.

(3) The legislature affirms that the adoption or update of critical area regulations under the growth management act is not automatically an update to the shoreline master program.

(4) The legislature intends for this act to be remedial and curative in nature, and to apply retroactively to July 27, 2003.

Sec. 2. RCW 36.70A.480 and 2003 c 321 s 5 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

~~((a) As of the date the department of ecology approves a local government's shoreline master program adopted under applicable shoreline guidelines, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.))~~

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of

the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (c) has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state ((that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under applicable shoreline guidelines shall not be)) are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or this act is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

~~((e))~~ (e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that ((is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2))) assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

Sec. 3. RCW 90.58.030 and 2007 c 328 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "~~((Hearing(s))~~) Hearings board" means the ~~((shoreline(s))~~) shoreslines hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shoreslines of the state" are the total of all "shoreslines" and "shoreslines of statewide significance" within the state;

(d) "Shoreslines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shoreslines of statewide significance; (ii) shoreslines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shoreslines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shoreslines of statewide significance" means the following shoreslines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as

measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shoreslines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

(g) "Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shoreslines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. "Comprehensive master program update" means a master program that fully achieves the procedural and substantive requirements of the department guidelines effective January 17, 2004, as now or hereafter amended;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping;

filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or

are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 90.58 RCW to read as follows:

RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW.

NEW SECTION. Sec. 5. This act is remedial and curative in nature and applies retroactively to July 27, 2003.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Taylor moved the adoption of amendment (1172) to amendment (1155).

On page 1, line 14 of the amendment, after "(2)" strike all material through "July 27, 2003" on line 21 and insert "This act is intended to affirm the legislature's intent that:

(a) The shoreline management act be read, interpreted, applied, and implemented as a whole consistent with decisions of the shoreline hearings board and Washington courts prior to the decision of the central Puget Sound growth management hearings board in *Everett Shorelines Coalition v. City of Everett and Washington State Department of Ecology*;

(b) The goals of the growth management act, including the goals and policies of the shoreline management act, set forth in RCW 36.70A.020 and included in RCW 36.70A.020 by RCW 36.70A.480, continue to be listed without an order of priority; and

(c) Shorelines of statewide significance may include critical areas as defined by RCW 36.70A.030(5), but that shorelines of

statewide significance are not critical areas simply because they are shorelines of statewide significance.

(3) The legislature intends that critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act. The legislature further intends that the quality of information currently required by the shoreline management act to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the growth management act"

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1172) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1171) to amendment (1155).

On page 2, line 12 of the amendment, after "(3)" strike "(a)"

On page 2, at the beginning of line 13 of the amendment, strike "and applicable guidelines" and insert "~~((and applicable guidelines))~~"

On page 2, at the beginning of line 18 of the amendment, strike all material through "RCW 90.58.060" on page 4, line 16 and insert the following:

"(a) As of the date the department of ecology approves a local government's shoreline master program adopted under applicable shoreline guidelines, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.

(b) Critical areas within shorelines of the state that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under applicable shoreline guidelines shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(c) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2), and consistent with subsection (3) of this section"

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1171) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1167) to amendment (1155).

On page 3, beginning on line 9 of the amendment, after "if" strike ":(A) The" and insert "the"

On page 3, line 11 of the amendment, after "program" strike all material through "functions" on line 13 and insert "in existence before the effective date of the local government's updated development regulations to protect critical areas"

On page 3, line 21 of the amendment, after "90.58.065," insert "When determining the extent of an area being used for agricultural activities, local governments and the department shall make their determination based upon, to the greatest extent possible, historical activities."

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1167) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1168) to amendment (1155).

On page 8, line 28 of the amendment, after "means" strike all material through "amended" on line 30 and insert "an update to the shoreline master program that achieves the procedural and substantive requirements of this chapter and chapter 36.70A RCW"

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1168) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1170) to amendment (1155).

On page 11, after line 31 of the amendment, insert the following:

"**Sec. 4.** RCW 90.58.190 and 2003 c 321 s 4 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter(;) and the policy of RCW 90.58.020 (~~and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070,~~

~~36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW).~~

(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 ~~((and the applicable guidelines))~~.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) The department's decision to approve, reject, or modify a proposed master program or master program amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 ~~((and the applicable guidelines))~~.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 ~~((and the applicable guidelines))~~.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. ~~((The aggrieved local government shall have the burden of proof in all such reviews.))~~

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

(4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment."

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

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1170) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1169) to amendment (1155).

On page 12, beginning on line 5 of the amendment, strike all of section 5

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

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 37 - YEAS; 59 - NAYS.

Amendment (1169) to amendment (1155) was not adopted.

Representative Bailey moved the adoption of amendment (1176) to amendment (1155).

On page 12, beginning on line 8 of the amendment, strike all of section 6

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

Representative Simpson spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 37 - YEAS; 60 - NAYS.

Amendment (1176) to amendment (1155) was not adopted.

Representative Simpson spoke in favor of the adoption of amendment (1155).

Amendment (1155) 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 Simpson spoke in favor of the passage of the bill.

Representatives Angel and Taylor spoke against 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. 1653.

MOTION

On motion of Representative Walsh, Representative Rodne was excused.

The Speaker (Representative Morris presiding) recognized Representative Chandler.

COLLOQUY

Representative Chandler, "Would Representative Blake, as the Chair of the House Agriculture and Natural Resources Committee yield to a question?"

Representative Blake agreed to yield to a question.

Representative Chandler, "Thank you, representative. In this amendment, beginning on page 3, line 17, it reads that, "For purposes of this subsection (C), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (C) has the same meaning as defined in RCW 90.58.065" Given that RCW 90.58.065 includes a change in or rotation of crops in the definition of agricultural activities, would this then mean that a farmer could change crops without having any additional requirements under this act?"

Representative Blake, "The Representative is correct that this language protects the ability to change crops, as is now the case under the provisions of the SMA. A change in crops would not trigger any new responsibilities under this act.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1653, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, 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, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Green, Haler, Herrera, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Rodne.

ENGROSSED HOUSE BILL NO. 1653, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2687, by Representatives Kagi, Haler, Roberts, Walsh, Goodman, Dickerson, Maxwell, Clibborn, Seaquist, Green, Haigh, Johnson, Kenney, Moeller and Nelson

Creating the home visiting services account.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 2687 was substituted for House Bill No. 2687 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 2687 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 Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 2687.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 2687, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

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

Voting nay: Representatives Condotta, DeBolt, Ericksen, Herrera, Klippert, Kretz, McCune, Orcutt and Shea.

THIRD SUBSTITUTE HOUSE BILL NO. 2687, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2734, by Representatives Kagi, Liias, Chase, Miloscia, Clibborn, Wallace, Maxwell, Nelson, Simpson and Santos

Allowing federally qualified community health centers to buy surplus real property from the department of transportation.

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 Kagi and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2734.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2734, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest,

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

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Crouse, DeBolt, Haler, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short, Taylor and Wallace.

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

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2734.

Deb Wallace, 17th District

SECOND READING

HOUSE BILL NO. 2756, by Representatives Driscoll, Parker, Haler, Ormsby, Lias, Pettigrew, Kelley, Sullivan, Green, Moeller, Simpson, Darneille, Morrell, Pearson, Hurst, Chase and Santos

Allowing medicare supplement insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2756 was substituted for House Bill No. 2756 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2756 was read the second time.

Representative Hunter moved the adoption of amendment (1088).

On page 3, after line 21, insert the following:

"**NEW SECTION. Sec. 2.** Section 1 of this act applies to taxes levied for collection in 2011 and thereafter."

Correct the title.

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

Amendment (1088) 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 Driscoll and Parker spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2756.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2756, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2756, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2759, by Representatives Maxwell, Anderson, Roberts, White, Goodman, Clibborn, Kenney, Hunter, Morrell and Haigh

Adjusting local school finance related to nonresident students enrolled in online learning.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2759 was substituted for House Bill No. 2759 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2759 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 Maxwell and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2759.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2759, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2789, by Representatives Conway, Chase, Hudgins, Moeller and Simpson

Authorizing issuance of subpoenas for purposes of agency investigations of underground economy activity. Revised for 1st Substitute: Authorizing issuance of subpoenas for purposes of agency investigations of underground economic activity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2789 was substituted for House Bill No. 2789 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2789 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 Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2789.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2789, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2793, by Representatives Kessler, Walsh, Pedersen, Chase, Williams, Kagi, Moeller, Haigh, Nelson and Simpson)

Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2793 was substituted for House Bill No. 2793 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2793 was read the second time.

Representative Shea moved the adoption of amendment (1078).

On page 3, line 30, after "(16)" insert "Identifying information" includes, but is not limited to, the following information of the gamete donor or woman acting as a gestational surrogate:

(a) The first and last name of the person; and

(b) The age of the person at the time of the donation or gestational surrogacy.

(17)"

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

On page 34, after line 33, insert the following:

"NEW SECTION. **Sec. 53.** A new section is added to chapter 26.26 RCW to read as follows:

(1) A person who donates gametes to a fertility clinic in Washington to be used in assisted reproduction shall provide, at a minimum, his or her identifying information and medical history to the fertility clinic. The fertility clinic shall keep the identifying information and medical history of its donors and shall disclose the information as provided under subsection (2) of this section.

(2)(a) A child conceived through assisted reproduction who is at least eighteen years old shall be provided, upon his or her request, access to identifying information of the donor who provided gametes for the assisted reproduction that resulted in the birth of the child, unless the donor has signed an affidavit of nondisclosure with the fertility clinic that provided the gamete for assisted reproduction.

(b) Regardless of whether the donor signed an affidavit of nondisclosure, a child conceived through assisted reproduction who is at least eighteen years old shall be provided, upon his or her request, access to the nonidentifying medical history of the donor who provided gametes for the assisted reproduction that resulted in the birth of the child."

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

On page 40, line 9, after "child." insert "When filing the certifications, the attorneys shall also include for the court files a summary of medical history information of the woman acting as a gestational surrogate."

On page 40, after line 35, insert the following:

"(6) Notwithstanding subsection (5) of this section, a child born under a gestational surrogacy contract who is at least eighteen years old shall be provided, upon his or her request, access to identifying information of the woman acting as a gestational surrogate, unless the woman acting as a gestational surrogate has filed an affidavit of nondisclosure with the court. Regardless of whether the woman acting as a gestational surrogate has filed an affidavit of nondisclosure, the child shall be provided, upon his or her request, access to nonidentifying medical history of the woman acting as a gestational surrogate."

Correct the title.

Representatives Shea and Pedersen spoke in favor of the adoption of the amendment.

Amendment (1078) was adopted.

Representative Pedersen moved the adoption of amendment (1173).

0)

On page 10, beginning on line 18, after "time" strike all material through "motion" on line 19

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

Amendment (1173) 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, Pedersen, Kessler (again), Roberts and Santos spoke in favor of the passage of the bill.

Representatives Shea, Smith, McCune, Herrera 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. 2793.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2793, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, 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, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2818, by Representatives Chase and Simpson

Reducing the environmental health impact of cleaning in state facilities.

The bill was read the second time.

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

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

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

Representatives Chase, Shea and Campbell 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. 2818.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2818, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, 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, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Ross, Schmick, Short, Taylor and Warnick.

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

HOUSE BILL NO. 2884, by Representatives Quall and Morris

Authorizing limited expansions of urban growth areas into one hundred year floodplains in areas adjacent to a freeway interchange or interstate in counties wholly or partially bordering salt waters with more than one hundred thousand but fewer than one hundred fifty thousand residents.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2884 was substituted for House Bill No. 2884 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2884 was read the second time.

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

Representatives Quall and Angel 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. 2884.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2884, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2884, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3048, by Representatives Cody, Armstrong and Pettigrew

Concerning administration of the medicaid program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3048 was substituted for House Bill No. 3048 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3048 was read the second time.

Representative Cody moved the adoption of amendment (1147).

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

"(4) The labor impacts, including the transfer of employees and the effect on current bargaining units and collective bargaining agreements."

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

Amendment (1147) 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, Alexander and Armstrong spoke in favor of the passage of the bill.

Representatives Hinkle and Ericksen spoke against 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. 3048.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3048, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Condotta, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Klippert, Kristiansen, Orcutt, Parker, Pearson, Priest, Rodne, Shea, Short, Taylor and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3048, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2408, by Representatives Angel, Haler, Schmick, Short, Fagan, McCune, Campbell, Rolfes, Chase and Warnick

Requiring notice to property owners when a county, city, or town modifies its zoning requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2408 was substituted for House Bill No. 2408 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2408 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 Angel, Springer 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 Substitute House Bill No. 2408.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2408, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2408, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2577, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Sullivan, Chase and Kenney)

Creating community facilities districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2577 was substituted for House Bill No. 2577 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2577 was read the second time.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 2577, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2416, by Representatives Morris, Chase, Eddy, Van De Wege, Morrell, Upthegrove, Simpson, Kenney, Hudgins and Ormsby

Establishing energy efficiency standards for consumer products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2416 was substituted for House Bill No. 2416 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2416 was read the second time.

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

Representative Morris spoke in favor of passage of the bill.

Representatives Crouse and Orcutt spoke against 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. 2416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2416, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Chase, 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, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2416, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2471, by Representatives McCoy, Chase and Morris

Concerning net metering of electricity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2471 was substituted for House Bill No. 2471 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2471 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 McCoy, Morris, Morris (again), and Chase spoke in favor of the passage of the bill.

Representatives Crouse, Angel, Chandler and Armstrong spoke against 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. 2471.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2471, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby,

Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, 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, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2471, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2511, by Representatives Kirby, Blake, Upthegrove, Conway, Van De Wege, Ormsby, Moeller, Campbell and Haigh

Addressing motorcycle profiling.

The bill was read the second time.

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

Representatives Kirby, Ross and Hurst 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. 2511.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2511, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Klippert and Nealey.

HOUSE BILL NO. 2511, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1545, by Representatives Conway, Seaquist, Bailey, Crouse, Hasegawa, Kenney, Simpson, Morrell and Ormsby

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

The bill was read the second time.

There being no objection, Substitute House Bill No. 1545 was substituted for House Bill No. 1545 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1545 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 Conway and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1545.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1545, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Fagan, Haler and Herrera.

SUBSTITUTE HOUSE BILL NO. 1545, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1545.

Susan Fagan, 9th District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1572, by Representatives Hunt, Lias, Appleton, Miloscia and Williams

Adopting all mail voting.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1572 was substituted for Substitute House Bill No. 1572 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1572 was read the second time.

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

Representative Hunt spoke in favor of passage of the bill.

Representatives Armstrong, Dammeier and Angel spoke against 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. 1572.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1572, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, 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, Conway, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2016, by Representatives Flannigan, Appleton, Hurst, Miloscia and Hunt

Concerning campaign contribution and disclosure laws.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2016 was substituted for House Bill No. 2016 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2016 was read the second time.

Representative Anderson moved the adoption of amendment (1190).

On page 64, line 7, after "party" strike "or to a caucus political committee" and insert "~~((or to a caucus political committee))~~ except that no transfers may be made to a caucus political committee"

On page 64, line 34, after "candidate" insert ", a caucus political committee."

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

Representative Hunt spoke against the adoption of the amendment.

Amendment (1190) was not adopted.

Representative Anderson moved the adoption of amendment (1189).

On page 64, beginning on line 7, strike all of subsection (3) and insert "~~((3) Transfer the surplus without limit to a political party or to a caucus political committee;))"~~

Renumber the subsections consecutively and correct any internal references accordingly.

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

Representative Hunt spoke against the adoption of the amendment.

Amendment (1189) was not adopted.

Representative Anderson moved the adoption of amendment (1191).

On page 64, after line 34, insert the following:

(9) "No political committee may transfer funds to any other committee, except to a candidate's authorized committee."

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

Representative Hunt spoke against the adoption of the amendment.

Amendment (1191) was not adopted.

Representative Roach moved the adoption of amendment (1175).

On page 103, beginning on line 15, strike all of section 1104
Renumber the remaining section and correct the title.

Representatives Roach and Chandler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

Amendment (1175) 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 Flannigan and Hunt spoke in favor of the passage of the bill.

Representatives Armstrong and Anderson spoke against 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. 2016.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2016, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, 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, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 2016, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2495, by Representatives White, Roberts, Dickerson, Carlyle, Springer, Miloscia, Nelson, Simpson, Dunshee, Pedersen and Kenney

Modifying provisions relating to the tabulation of ballots.

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 White and Armstrong 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. 2495.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2495, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Representatives Fagan, Hudgins and Orcutt.

HOUSE BILL NO. 2495, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2496, by Representatives White, Orwall, Chase, Dickerson, Carlyle, Upthegrove, Springer, Nelson, Simpson, Miloscia, Dunshee and Hunt

Modifying ballot design provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2496 was substituted for House Bill No. 2496 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2496 was read the second time.

Representative White moved the adoption of amendment (1048).

On page 1, line 12, after "type," strike all language through "questions" on line 14 and insert "The secretary of state shall establish standards for ballot design and layout consistent with this act and RCW 29A.04.611"

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

Amendment (1048) 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 Armstrong 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. 2496.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2496, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2496, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2541, by Representatives Takko, Orcutt, Kessler, Kretz and Blake

Maintaining a base of forest lands that may be used for commercial forestry. Revised for 1st Substitute: Promoting and fostering the success of the forest products industry.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2541 was substituted for House Bill No. 2541 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2541 was read the second time.

Representative Takko moved the adoption of amendment (1156).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that sustainably managed commercial forestry produces jobs and revenue while also providing clean water, clean air, renewable energy, wildlife habitat, open space, and carbon storage, among other ecological values. For these reasons, maintaining a base of forest lands that may be utilized for sustainably managed commercial forestry is of utmost importance to the state.

(2) The legislature finds that the promotion and fostering of the economic success of the forest products industry with the goal of keeping sustainably managed forestry as a priority land use, and helping to secure the timber managing, growing, harvesting, transporting, and manufacturing jobs is made possible by a vibrant working forest land base.

(3) The legislature further finds that maintaining sustainable working forests is important for the quality of life of all Washingtonians, and that sustainable forest practices can help to maintain and restore the vitality of Washington's communities while also helping to preserve Washington's natural landscapes and ecosystems.

(4) The legislature further finds that it is necessary to assist landowners in gaining access to additional sources of revenue, such as emerging ecosystem services markets, and to help landowners diversify their incomes, improve the ecological functions of their lands, and pass their lands and the lands' associated benefits to future generations.

(5) The legislature further finds that the conservation and restoration of forest ecosystems provide services to the residents of the state that help improve water and habitat quality, help avoid carbon emissions, help address impacts associated with climate change, and help natural resources adapt to these impacts.

(6) The legislature further finds that ecosystem services markets can lead to efficient, innovative, and effective conservation and restoration actions and facilitate improved integration of public and private investment.

(7) Therefore, it is the intent of the legislature to develop tools to facilitate small and industrial forest landowners' access to market capital from existing and emerging ecosystem services markets.

(8) The legislature further intends to enable forest landowners who provide ecosystem services access to financing to protect,

restore, and maintain the ecological values provided by protection of public resources.

Sec. 2. RCW 76.09.010 and 1999 sp.s. c 4 s 901 are each amended to read as follows:

(1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty.

(2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive statewide system of laws and forest practices rules which will achieve the following purposes and policies:

(a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest;

(b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;

(c) Recognize both the public and private interest in the profitable growing and harvesting of timber;

(d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein;

(e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such rules;

(f) Provide for interagency input and intergovernmental and tribal coordination and cooperation;

(g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices;

(h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations;

(i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state; ~~((and))~~

(j) Develop a watershed analysis system that addresses the cumulative effect of forest practices on, at a minimum, the public resources of fish, water, and public capital improvements of the state and its political subdivisions; and

(k) Assist forest landowners in accessing market capital and financing for the ecosystem services provided to the public as a result of the protection of public resources.

(3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes.

(4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practices permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources.

Sec. 3. RCW 76.09.040 and 2009 c 246 s 1 are each amended to read as follows:

(1)~~(a)~~ Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

~~((a))~~ (i) Establish minimum standards for forest practices;

~~((b))~~ (ii) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a)(i) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

~~((e))~~ (iii) Set forth necessary administrative provisions;

~~((d))~~ (iv) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

~~((e))~~ (v) Allow for the development of watershed analyses.

(b) Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

(c) Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2)(a) The board shall prepare proposed forest practices rules consistent with this section and chapter 34.05 RCW. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

(b)(i) Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection.

(ii) After the expiration of ~~((such))~~ the thirty day period, the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. ~~((At such hearing(s)))~~ Any county representative may propose specific forest practices rules relating to problems existing within ~~((such))~~ the county at the hearings.

(iii) The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3)(a) The board shall establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. For the purposes

of conservation easements entered into under this section, the following apply:

~~((a))~~ (i) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091;

~~((b))~~ (ii) For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a)(i) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

~~((d))~~ (b) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

~~((e))~~ (c) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

~~((f))~~ (d) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

NEW SECTION. Sec. 4. (1) The department of natural resources shall, to the degree that resources are available, develop, consistent with this section, proposals for the development of appropriate landowner conservation incentives that support forest landowners maintaining their land in forestry. These incentives may include, but are not limited to, incentives that are related to ecosystem service markets, tax incentives, easements, technical assistance, and recognition or certification.

(2) The department of natural resources shall consult with the forest practices board, representatives of federal, state, and local government, Indian tribes, small forest landowners, conservation groups, industrial foresters, and other individuals deemed beneficial by the department in implementing this section.

(3) By December 31, 2011, the department of natural resources must present their research and any proposed incentives to the governor, the appropriate committees of the legislature, the commissioner of public lands, and the forest practices board. The department of natural resources shall also offer to present their findings and recommendations to the Washington congressional delegation, local governments, and any state or federal agency that has as a portion of their mission the support of Washington's working land base and the jobs, products, and ecological values that working lands provide.

(4) Neither the activities nor outcome of the department of natural resources' actions or decisions under this section shall

cause, promote, or delay rule making by the forest practices board in the execution of its applicable duties.

(5) The department of natural resources is authorized to seek federal and private funds, and in-kind contributions to complete the work in this act. At the discretion of the department of natural resources, the department must comply with this act only to the degree that existing or acquired nonstate resources permit.

(6) This section expires July 1, 2012.

Sec. 5. RCW 76.09.020 and 2009 c 354 s 5 and 2009 c 246 s 4 are each reenacted and amended to read as follows:

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

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Application" means the application required pursuant to RCW 76.09.050.

(4) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(5) "Board" means the forest practices board created in RCW 76.09.030.

(6) "Commissioner" means the commissioner of public lands.

(7) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(8) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(9) "Department" means the department of natural resources.

(10) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(11) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(12) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such

lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(13) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(14) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(15) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(16) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(17) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(18) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(19) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(20) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(21) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(22) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(23) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(24) "Unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

(26) "Ecosystem services" means the benefits that the public enjoys as a result of natural processes and biological diversity.

(27) "Ecosystem services market" means a system in which providers of ecosystem services can access financing or market capital to protect, restore, and maintain ecological values, including the full spectrum of regulatory, quasiregulatory, and voluntary markets."

Correct the title.

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

Amendment (1156) 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 Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2541.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2541, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2567, by Representatives Carlyle, Dickerson, Simpson, Anderson, White, Nelson, Sullivan, Kenney, Maxwell, Liias, Pettigrew and Santos

Concerning the excise taxation of publicly owned facilities accredited by the association of zoos and aquariums.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2567.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2567, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

HOUSE BILL NO. 2567, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2603, by Representatives Smith, Kenney, Bailey, Quall, Morris, Blake, Anderson, Chase, Kelley, Short, Appleton, Sullivan, Dammeier, Upthegrove, Klippert, Chandler, Kristiansen, Rolfes, Pearson, Roach, Parker, Morrell, Haler, Walsh, Orcutt, Johnson, Liias, Hunt, Probst, Ericksen, Moeller, Kretz, Sells, Hope, Herrera and Warnick

Requiring agencies to give small businesses an opportunity to comply with a state law or agency rule before imposing a penalty.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2603 was substituted for House Bill No. 2603 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2603 was read the second time.

With the consent of the House, amendment (1192) was withdrawn.

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

Representatives Smith, Cody and Parker 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. 2603.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2603, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2603, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2641, by Representatives Kenney, Maxwell, Hasegawa, Sullivan, Liias, Clibborn, Ericks, Pettigrew, Chase, Conway, Probst, Kelley, Simpson, Sells, Goodman, Hudgins, Morrell and Santos

Expanding small business development centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2641 was substituted for House Bill No. 2641 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2641 was read the second time.

Representative Kenney moved the adoption of amendment (1166).

On page 1, beginning on line 13, strike all of subsection (3) and insert the following:

"(3)(a) Subject to (b) of this subsection, the department shall collect a voluntary donation of five dollars on each master business application and each renewal application. The voluntary donations must be deposited in the business assistance account created in RCW 28B.30.531 and be used by the small business development center administrator or the administrator's designee for business assistance purposes as provided in RCW 28B.30.530.

(b) The voluntary donation provided for under (a) of this subsection may not be collected from any master business applicant or applicant for renewal who actively opts not to participate in the voluntary donation program. The department shall ensure that the opportunity to opt out of the voluntary donation program under this subsection is made clear to master business applicants and applicants for renewal, and the opportunity to opt out of the voluntary donation program must be provided by the department at each application or renewal."

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

Amendment (1166) 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 Kenney and Kenney (again) spoke in favor of passage of the bill.

Representatives Armstrong, Ericksen and Ross spoke against 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. 2641.

The House deferred further action on Engrossed Substitute House Bill No. 2641, and the bill held its place on the third reading calendar.

SECOND READING

HOUSE BILL NO. 2642, by Representatives Kenney, Probst, Maxwell, Ericks, Conway, Hasegawa, Sullivan, Springer, Pettigrew, Chase, Dickerson, White, Carlyle, Chandler, Rolfes, Hunt and Moeller

Establishing a pilot project to allow wine tasting at farmers markets.

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 Kenney 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 House Bill No. 2642.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2642, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Parker, Pettigrew, Probst, Quall, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Dammeier, Eddy, Goodman, Hudgins, Kagi, Klippert, Kristiansen, McCune, Morrell, Nealey, Orcutt, Orwall, Pearson, Pedersen, Priest, Roach, Roberts and Van De Wege.

HOUSE BILL NO. 2642, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2704, by Representatives Takko, Hinkle, Appleton, Haler, Rolfes, Van De Wege, Quall, Warnick and Morris

Transferring the Washington main street program to the department of archaeology and historic preservation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2704 was substituted for House Bill No. 2704 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2704 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 Takko 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. 2704.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2704, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Representatives Condotta, Crouse, Herrera, Klippert, Pearson, Shea and Taylor.

SUBSTITUTE HOUSE BILL NO. 2704, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2867, by Representatives Kagi, Sells, White, Hunt, Chase, Kessler, Morrell, Van De Wege, Kenney and Hasegawa

Promoting early learning.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2867 was substituted for House Bill No. 2867 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2867 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, Haler, Walsh, Goodman, Linville, Miloscia, Morris and Haler (again) spoke in favor of the passage of the bill.

Representatives Alexander, Ericksen, Hinkle, Bailey and Angel spoke against 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. 2867.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2867, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, 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, Priest, Probst, Quall, 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, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 2867, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2527, by Representatives Morris, Chase, Hudgins and Jacks

Regarding the energy facility site evaluation council.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2527 was substituted for House Bill No. 2527 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2527 was read the second time.

With the consent of the House, amendment (1185) was withdrawn.

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

Representatives Morris, Crouse 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. 2527.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2527, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander and Dammeier.

SUBSTITUTE HOUSE BILL NO. 2527, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2571, by Representative Appleton

Changing the definition of predatory.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2571 was substituted for House Bill No. 2571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2571 was read the second time.

Representative Appleton moved the adoption of amendment (1024).

On page 10, line 33, after "school" insert "or home-based instruction"

On page 10, line 34, after "school" insert "or receiving home-based instruction while"

On page 10, beginning on line 35, after "subsection," strike all material through "instruction" on line 36 and insert "(~~"school" does not include home based instruction~~)" "home-based instruction" has the same meaning"

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

Amendment (1024) 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 Appleton and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2571.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2571, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2830, by Representatives Simpson, Bailey, Kirby, Kelley, Rodne and Nelson

Addressing credit union regulatory enforcement powers.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (1066).

On page 8, line 23, after "RCW 31.12.545;" strike "~~(and)~~" and insert "and"

On page 8, beginning on line 26, after "director" strike all material through "order" on line 28

Correct any internal references accordingly.

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

Amendment (1066) 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 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 Engrossed House Bill No. 2830.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2830, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2830, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2831, by Representatives Simpson, Bailey, Kirby, Kelley, Chase, Wallace, Rodne and Nelson

Regulating state-chartered commercial banks, trust companies, savings banks, and their holding companies.

The bill was read the second time.

Representative Simpson moved the adoption of amendment (1065).

On page 12, beginning on line 19, after "(8)" strike all material through "(9)" on line 25

On page 12, at the beginning of line 30, strike "(10)" and insert "(9)"

Correct any internal references accordingly.

On page 41, beginning on line 1, after "(8)" strike all material through "(9)" on line 7

On page 41, at the beginning of line 12, strike "(10)" and insert "(9)"

Correct any internal references accordingly.

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

Amendment (1065) 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 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 Engrossed House Bill No. 2831.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2831, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2831, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3076, by Representatives Dickerson and Kenney

Concerning the involuntary treatment act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3076 was substituted for House Bill No. 3076 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3076 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 Dickerson and Dammeier 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. 3076.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3076, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien,

Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 3076, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1418, by House Committee on Education (originally sponsored by Representatives Kagi, Priest, Sullivan, Walsh, Pettigrew, Roberts, Dickerson, Quall, Seaquist, Sells, Appleton, Hunt, Haler, Pedersen, Orwall, Ormsby, Hasegawa, Conway, Kenney, Maxwell, Santos, Probst, Driscoll, Goodman and Nelson)

Establishing a statewide dropout reengagement system.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1418 was substituted for Substitute House Bill No. 1418 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1418 was read the second time.

Representative Santos moved the adoption of amendment (1177).

On page 3, line 4, after "(3)" insert "If a school district does not enter an interlocal agreement or contract with an educational service district, community or technical college, other public entity, or community-based organization to provide a dropout reengagement program for eligible students residing in the district, the educational service district, community or technical college, other public entity, or community-based organization may petition a school district other than the resident school district to enroll the eligible students under RCW 28A.225.220 through 28A.225.230 and enter the interlocal agreement or contract with the petitioning entity to provide a dropout reengagement program for the eligible students.

(4)"

Representatives Santos and Priest spoke in favor of the adoption of the amendment.

Amendment (1177) 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 Kagi, Priest and Sullivan 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. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1418, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Kristiansen and Nealey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2962, by Representatives Probst and Hunter

Allowing county treasurers to use electronic bill presentment and payment that includes an automatic electronic payment option for property taxes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2962 was substituted for House Bill No. 2962 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2962 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 Probst, Angel and Simpson spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2962.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2962, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew,

Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Condotta, Crouse, DeBolt, Fagan, Hinkle, Hope, Johnson, Kretz, Kristiansen, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

SUBSTITUTE HOUSE BILL NO. 2962, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2990, by Representatives Pettigrew, Santos, Simpson and Kenney

Addressing alternative city assumption and tax authority provisions pertaining to water-sewer districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2990 was substituted for House Bill No. 2990 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2990 was read the second time.

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

Representative Pettigrew 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. 2990.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2990, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, 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, Priest, Quall, Roberts, Rodne, 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, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2990, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2990.

Jay Rodne, 5th District

SECOND READING

HOUSE BILL NO. 2383, by Representatives Simpson and Van De Wege

Adopting the international wildland urban interface code.

The bill was read the second time.

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

Representatives Simpson, Nelson, Dunshee, Van De Wege, Simpson (again) and Nelson (again) spoke in favor of the passage of the bill.

Representatives Angel, Taylor, Short, Klippert, Anderson, Kretz, Ericksen, Armstrong, Haler, Shea, Short (again) and Johnson spoke against the passage of the bill.

POINT OF ORDER

Representative DeBolt: "My point is Mr. Speaker that you can not impugn a members interpretation of the policy before the body. He read the bill, he saw the open flame, he made his decisions based upon that. He also looked at shelters, it's in there and so if you look at it from the perspective of interpretation, we've listened to a lot of interpretations on this floor, we've heard stories of peoples' lives, we've heard about insurance rates, we've heard about picking pockets; dumb things, I expect a little latitude on the opportunity to at least have our opinion count, thank you."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative DeBolt, your point is not well taken. In the House Floor Protocol Sheet which you were handed out on your desk, it indicates that it is appropriate to attack arguments and not members. If he was attacking the veracity of the good gentleman from the 42nd District and not the arguments that he was putting forth on this floor, his remarks would be out of order because they would be attacking persons and not arguments. Your point is not well taken."

There being no objection, the House deferred action on House Bill No. 2383, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 2480, by Representatives Blake, Warnick, Takko, Upthegrove, Dunshee, Hinkle, Sells, Kretz and Ormsby

Adopting policy recommendations developed by the sustainable recreation work group.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2480 was substituted for House Bill No. 2480 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2480 was read the second time.

Representative Blake moved the adoption of amendment (1089).

On page 3, line 5, after "dollars," strike "or"

On Page 3, line 7, after "dollars" insert " or

(iv) Display of a department of fish and wildlife lands vehicle use permit obtained under RCW 77.32.380"

On page 5, after line 12, insert the following:

"**Sec. 4.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the department, or a department of natural resources annual parking and access pass issued under RCW 79.10.140, is required to park a motor vehicle upon improved department access facilities.

(3) During the 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods."

Correct the title.

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

Amendment (1089) was adopted.

Representative Warnick moved the adoption of amendment (1188).

On page 3, line 21, after "(f)" insert "In recognition of the financial support provided to the department under RCW 46.09.170 through the payment of the motor vehicle fuel tax, the department may not require the payment of a use charge under this section to access ORV recreation facilities, as that term is defined in RCW 46.09.020.

(g)"

On page 3, at the beginning of line 31, strike "(g)" and insert "(h)"

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

Amendment (1188) 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 Blake and Warnick spoke in favor of the passage of the bill.

Representatives Hinkle and Orcutt spoke against 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. 2480.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2480, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

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

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Hope, Johnson, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor and Walsh.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2480, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2539, by Representative Upthegrove

Optimizing the collection of source separated materials.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2539 was substituted for House Bill No. 2539 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2539 was read the second time.

With the consent of the House, amendment (1193) was withdrawn.

Representative Short moved the adoption of amendment (1199).

On page 2, beginning on line 6, after "state," strike "One objective of local comprehensive plans is to" and insert "When updating a solid waste management plan developed under this chapter, after the effective date of this section, local comprehensive plans must"

On page 2, line 17, after "(2)" strike "At a minimum, each plan must" and insert "When updating a solid waste management plan developed under this chapter, after the effective date of this section, each local comprehensive plan must, at a minimum,"

Representatives Short and Upthegrove spoke in favor of the adoption of the amendment.

Amendment (1199) 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 Upthegrove spoke in favor of 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. 2539.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2539, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2539, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2399, by Representatives Upthegrove, Rodne, Finn, Armstrong, Rolfes, Haler, Driscoll, Chase, Morrell, Maxwell, Simpson and Hudgins

Prohibiting and prescribing penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2399 was substituted for House Bill No. 2399 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2399 was read the second time.

With the consent of the House, amendment (1050) was withdrawn.

Representative Upthegrove moved the adoption of amendment (1121).

Beginning on page 1, line 6, strike all of section 1

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

On page 3, after line 14, insert the following:

"**Sec. 3.** RCW 81.77.090 and 1961 c 295 s 10 are each amended to read as follows:

(1) Every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or any part or provision thereof, is guilty of a gross misdemeanor.

(2) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter."

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

Representatives Upthegrove and Short spoke in favor of the adoption of the amendment.

Amendment (1121) 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 Upthegrove and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2399.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2399, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2399, having received the necessary constitutional majority, was declared passed.

With the consent of the House, House Rule 13 (C) was suspended.

SECOND READING

HOUSE BILL NO. 2805, by Representatives Ormsby, Campbell, Williams, Van De Wege, Simpson, White, Chase, Hasegawa, Rolfes and Conway

Regarding public works involving off-site prefabrication.

The bill was read the second time.

With the consent of the House, amendment (1116) was withdrawn.

Representative Ormsby moved the adoption of amendment (1160).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

(1) For any public work estimated to cost over one million dollars, the contract must contain a provision requiring the contractor to submit certain information about off-site, prefabricated, nonstandard, project specific items produced under the terms of the contract and produced outside Washington. The information must be submitted to the awarding agency and to the department of general administration within ten days of delivery of the item under the contract. The information that must be provided is:

(a) The total cost of the public works project;

(b) The contract value, including labor and materials, of the off-site, prefabricated, nonstandard, project specific items produced outside Washington; and

(c) The name, address, and federal employer identification number of the contractor that produced the off-site, prefabricated, nonstandard, project specific items.

(2)(a) The required information under this section must be submitted on forms made available by the department of general administration.

(b) The department of general administration shall develop standard contract language to meet the requirements of subsection (1)(a) of this section and make the language available on its web site.

(3) For the purposes of this section, "off-site, prefabricated, nonstandard, project specific items" means products or items that are: (a) Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work; (b) produced specifically for the public work and not considered to be regularly available shelf items; (c) produced or manufactured by labor expended to assemble or modify standard items; and (d) produced at an off-site location.

(4) The department of general administration shall compile information collected under this section and submit it on an annual basis to the capital projects advisory review board created in RCW 39.10.220 for review and public hearing.

(5) This section applies to contracts entered into on or after September 1, 2010, and expires December 31, 2015.

Sec. 2. RCW 39.04.350 and 2009 c 197 s 2 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3); ~~(and)~~

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation; and

(f) Until December 31, 2015, not have violated section 1 of this act more than one time.

(2) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(3) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's web site.

NEW SECTION. Sec. 3. The expiration of section 1 of this act does not affect any request or proceeding instituted prior to the expiration of section 1 of this act."

Correct the title.

Representative Anderson moved the adoption of amendment (1186) to amendment (1160).

On page 3, after line 30 of the amendment, insert the following:

"(4)(a) This section shall not take effect unless states bordering Washington enact by law the requirements in subsection

(1) of this section with regard to provisions required in public works contracts.

(b) The department of general administration shall make the determination that requirements in (a) of this subsection have been enacted by the bordering states."

Representative Anderson spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

Amendment (1186) to amendment (1160) was not adopted.

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

Amendment (1160) was adopted.

The bill was ordered engrossed.

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

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

Representative Anderson 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. 2805.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2805, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Goodman, Green, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, 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, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Fagan, Finn, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 2805, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3067, by Representatives Williams, Rodne, Springer, Clibborn, Liias, Upthegrove, Priest and Wallace

Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3067 was substituted for House Bill No. 3067 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3067 was read the second time.

Representative Simpson moved the adoption of amendment (1165).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.02.050 and 1994 c 257 s 24 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3)(a) Counties, cities, and towns collecting impact fees must make available to applicants for building permits issued for a lot or unit within a subdivision, short subdivision, or site development permit issuance a process by which the applicant may record a covenant against title to the property that requires payment equal to one hundred percent of the impact fee rates in effect at the time of issuance of the building permit, less a credit for any deposits paid. Covenants recorded in accordance with this subsection (3) must provide for payment through escrow of the impact fee due and owing to be paid at the time of closing of sale of the lot or unit that is the subject of the building permit. Payment of such fees must be made from seller's proceeds, unless an agreement to the contrary is reached between buyer and seller. In the absence of an agreement to the contrary, the seller shall bear strict liability for the payment of said fees.

(b) A seller, and/or agents of a seller, of property subject to a covenant authorized under this subsection (3), must provide written disclosure of such covenant to a purchaser or prospective purchaser pursuant to the provisions of chapter 64.06 RCW. The disclosure of said covenant must include the amount of fees payable, and the governmental entities to which such fees are to be paid at closing.

(c) In the event the lot or unit is leased or rented rather than sold, all impact fees applicable to such lot or unit must be paid in full upon issuance of a certificate of occupancy or equivalent final occupancy approval.

(d) This subsection (3) applies only to: (i) Counties with more than one million five hundred thousand residents and the cities and towns within these counties; and (ii) counties adjoining counties meeting the requirements of (i) of this subsection (3)(d) that have more than six hundred fifty thousand

but fewer than eight hundred thousand residents, and the cities and towns within these counties.

(e) This subsection (3) does not apply to dwellings governed by chapter 64.34 RCW.

(4) The impact fees:

(a) ~~((Shall))~~ **Must** only be imposed for system improvements that are reasonably related to the new development;

(b) ~~((Shall))~~ **May** not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) ~~((Shall))~~ **Must** be used for system improvements that will reasonably benefit the new development.

~~((4))~~ **(5)(a)** Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After the date a county, city, or town is required to adopt its development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees ~~((shall be))~~ **is** contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

~~((a))~~ **(i)** Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

~~((b))~~ **(ii)** Additional demands placed on existing public facilities by new development; and

~~((c))~~ **(iii)** Additional public facility improvements required to serve new development.

(b) If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

Sec. 2. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an

inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural

development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(14)~~) (15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(14)~~) (15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve

as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ~~((six-year improvement))~~ ten-year investment program developed by the ~~((department of transportation))~~ office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after the county or city receives full payment of all impact fees due.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year plan required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130."

Representative Simpson moved the adoption of amendment (1232) to amendment (1165).

On page 1, line 23 of the striking amendment, after "fees" insert "for residential development projects"

On page 2, after line 20 of the striking amendment, insert the following:

"(d) This subsection (3) applies only to the collection of impact fees for residential development projects."

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

Representatives Simpson and Angel spoke in favor of the adoption of the amendment to the amendment.

Amendment (1232) to amendment (1165) was adopted.

Representative Ericksen moved the adoption of amendment (1226) to amendment (1165).

On page 2, beginning on line 21 of the striking amendment, after "(d)" strike all material through "counties." on line 26 and insert the following:

"Nothing in this subsection (3) is intended to limit or otherwise affect the authority of a county, city, or town from continuing the use and enforcement of an impact fee payment system implemented prior to January 1, 2010, and which authorizes the payment of impact fees either at the time of the closing of the sale of a lot or unit or at the time of the issuance of a certificate of occupancy or its equivalent."

Representative Ericksen spoke in favor of the adoption of the amendment to the amendment.

Representatives Simpson and Alexander spoke against the adoption of the amendment to the amendment.

Amendment (1226) to amendment (1165) was not adopted.

Amendment (1165) was adopted as amended.

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 Williams 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 Substitute House Bill No. 3067.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3067, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

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

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Dunshee, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3067, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3024, by Representatives Conway, Morrell, Van De Wege, Williams, Sullivan, Seaquist, Green, Campbell, Simpson, Wood and Nelson

Providing uninterrupted meal and rest breaks for hospital employees.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3024 was substituted for House Bill No. 3024 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3024 was read the second time.

Representative Seaquist moved the adoption of amendment (1093).

On page 1, on line 6, after "(1)" insert the following:

"With this legislation it is the legislature's intent to affirm that nurses and allied health care workers are professionals. As such, they must be recognized for the significant judgment they exercise and the fact that this judgment is critical to the delivery of quality patient care. For this reason, the legislature intends to ensure that these professionals be afforded the right to meal and rest breaks that will help ensure safe and effective patient care.

(2)"

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

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

Representative Conway spoke against the adoption of the amendment.

Amendment (1093) was not adopted.

Representative Chandler moved the adoption of amendment (1196).

On page 1, line 6, after "(1)" strike "A hospital licensed under chapter 70.41 RCW" and insert "An employer"

On page 2, after line 18, insert the following:

"(6) For purposes of this section, "employer" means hospitals licensed under chapter 70.41 RCW; state hospitals as defined in RCW 72.23.010; state veterans' homes as defined in RCW 72.36.035; residential habilitation centers listed in RCW 71A.20.020, RCW 71A.20.030, and RCW 71A.20.040; facilities owned and operated by the department of corrections, or by a governing unit as defined in RCW 70.48.020, in a correctional institution as defined in RCW 9.94.049 that provide health care services to inmates as defined in RCW 72.09.015; and facilities in an institution as defined in RCW 13.40.020 or a detention facility as defined in RCW 13.40.020 that provide health care services to juveniles committed to the custody of the department of social and health services under RCW 13.40.185 or confined in a detention facility."

Representatives Chandler and Conway spoke in favor of the adoption of the amendment.

Amendment (1196) was adopted.

Representative Chandler moved the adoption of amendment (1197).

On page 1, line 6, after "(1)" strike "A hospital licensed under chapter 70.41 RCW" and insert "An employer"

On page 2, after line 18, insert the following:

"(6) For purposes of this section, "employer" means hospitals licensed under chapter 70.41 RCW or state hospitals as defined in RCW 72.23.010."

POINT OF ORDER

Representative Conway: "This amendment is not needed because we adopted in our previous amendment the inclusion of this amendment, this amendment would actually ask us to include the state hospitals and applications of this law and we've already done that in the previous amendment so I don't think we need to have this amendment. Thank you."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Conway, your point of order is well taken. The body of amendment (1197) is contained within the amendment adopted in amendment (1196) so amendment (1197) is out of order, your point is well taken."

Amendment (1197) was ruled out of order.

Representative Condotta moved the adoption of amendment (1208).

On page 2, after line 18, insert the following:

"(6) This section does not apply to a health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4."

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

Representative Cody spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1208) to Second Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1208) to Second Substitute House Bill No. 3024 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick.

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

Excused: Representative Flannigan.

Amendment (1208) was not adopted.

Representative Chandler moved the adoption of amendment (1209).

On page 2, after line 18, insert the following:

"(6) This section does not apply to the sexual assault unit of any hospital licensed under chapter 70.41 RCW."

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

Representative Green spoke against the adoption of the amendment.

Amendment (1209) was not adopted.

Representative Condotta moved the adoption of amendment (1210).

On page 2, after line 18, insert the following:

"(6) This section does not apply to mental health units of any hospital licensed under chapter 70.41 RCW."

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

Representative Green spoke against the adoption of the amendment.

Amendment (1210) was not adopted.

With the consent of the House, amendment (1211) was withdrawn.

Representative Condotta moved the adoption of amendment (1212).

On page 2, after line 18, insert the following:

"(6) This section does not apply to labor and delivery units of any hospital licensed under chapter 70.41 RCW."

Representatives Condotta, Chandler and Klippert spoke in favor of the adoption of the amendment.

Representative Morrell spoke against the adoption of the amendment.

Amendment (1212) was not adopted.

Representative Chandler moved the adoption of amendment (1213).

On page 2, after line 18, insert the following:

"(6) This section does not apply to pediatric units of any hospital licensed under chapter 70.41 RCW."

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

Representative Nelson spoke against the adoption of the amendment.

Amendment (1213) was not adopted.

Representative Priest moved the adoption of amendment (1200).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.12 RCW to read as follows:

(1)(a) A hospital licensed under chapter 70.41 RCW shall provide employees who are licensed practical nurses and registered nurses licensed under chapter 18.79 RCW with uninterrupted thirty-minute meal breaks and rest breaks of at least ten minutes or as otherwise agreed to be provided by the hospital, whichever is longer, unless there is:

(i) An unforeseeable emergent circumstance as defined in RCW 49.28.130;

(ii) A clinical circumstance that could lead to patient harm without the specific skill or expertise of the employee on break; or

(iii) In the professional judgment of the employee, a reason to interrupt the break.

(iv) Rest breaks may be taken at any point during each four-hour work period during which the licensed practical nurse and registered nurse is required to receive the rest break as determined by the hospital.

(2) A hospital licensed under chapter 70.41 RCW shall provide employees who are surgical technologists registered under chapter 18.215 RCW, radiologic technologists certified under chapter 18.84 RCW, respiratory care practitioners licensed under chapter 18.89 RCW, cardiovascular technologists, and diagnostic medical sonographers with uninterrupted thirty-minute meal breaks and rest breaks of at least ten minutes or as otherwise agreed to be provided by the hospital, whichever is longer.

(3) Subsections (1) and (2) of this section does not apply when:

(a) The terms of any collective bargaining agreement covering employees address meal and rest breaks, including the need for flexibility; or

(b) An alternative approach to meal and rest breaks is developed by the hospital's nurse staffing committee under RCW 70.41.210, if employees are not covered by a collective bargaining agreement.

NEW SECTION, Sec. 2. (1) The department shall report and make recommendations to the appropriate committees of the legislature by December 15, 2010 on the enforcement of meal and rest break requirements. The report must contain:

(a) A review of the number and frequency of complaints filed with the department on missed meal and rest breaks by hospital employees since January of 2007;

(b) The investigations and enforcement actions taken in response to each complaint;

(c) Whether and how each complaint was resolved; and

(d) A comparison of the number and types of complaints made before and after the effective date of this act.

(2) The department shall also make recommendations on how to improve compliance with and enforcement of the meal and rest break requirements for hospital employees.

(3) This section expires June 30, 2011."

Correct the title.

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

Representative Kessler spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1200) to Second Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1200) to Second Substitute House Bill No. 3024 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Clibborn, Condotta, Dammeier, DeBolt, Ericks, Ericksen, Fagan, Goodman, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (1200) was not adopted.

Representative Chandler moved the adoption of amendment (1207).

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 49.12 RCW to read as follows:

(1) A hospital licensed under chapter 70.41 RCW shall provide employees with uninterrupted thirty-minute meal breaks and rest breaks of at least ten minutes whichever is longer, unless there is:

(a) An unforeseeable emergent circumstance as defined in RCW 49.28.130; or

(b) A clinical circumstance that may lead to patient harm without the specific skill or expertise of the employee on break.

(2) Rest breaks may be taken at any point during each four-hour work period during which the employee is required to take the rest break.

(3) When employees of hospitals have entered into collective bargaining agreements, or if employees are not covered by a collective bargaining agreement, an alternative approach developed by the hospital's nurse staffing committee under RCW 70.41.210, that specifically vary from or supersede, in part or in total the requirements of subsections (1) and (2) of this section regarding appropriate meal and rest breaks, those subsections do not apply.

(4) For purposes of this section, "employee" means a person who is involved in direct patient care activities or clinical services, receives an hourly wage, and is a licensed practical nurse or a registered nurse licensed under chapter 18.79 RCW."

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

Representative Green spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1207) to Second Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1207) to Second Substitute House Bill No. 3024 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Dammeier, DeBolt, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor, Walsh and Warnick.

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

Excused: Representative Flannigan.

Amendment (1207) was not adopted.

Representative Chandler moved the adoption of amendment (1214).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The William D. Ruckelshaus Center shall convene a work group to identify best practices related to meal and rest breaks for employees of hospitals. The William D. Ruckelshaus Center shall report to the legislature by December 1, 2010 on the outcomes of their work on the identification of best practices related to meal and rest breaks for employees of hospitals and how to apply them in a hospital setting. The members of work group are representatives from the following organizations:

- (a) The northwest organization of nurse executives;
- (b) The service employees international union healthcare, local 1199NW;
- (c) The united food and commercial workers union, local 141;
- (d) The Washington state hospital association; and
- (e) The Washington state nurses association."

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

Representative Conway spoke against the adoption of the amendment.

Amendment (1214) 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 Green, Morrell, Campbell, Cody and Santos spoke in favor of the passage of the bill.

Representatives Chandler, Orcutt, Klippert, Pearson, Bailey, Klippert (again) and Johnson 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. 3024.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3024, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, 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, Dammeier, DeBolt,

Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3024, having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Judiciary was relieved of SECOND SUBSTITUTE SENATE BILL NO. 6561 and the bill was referred to the Committee on Human Services. The Committee on Public Safety and Emergency Preparedness was relieved of SUBSTITUTE SENATE BILL NO. 6476 and the bill was referred to the Committee on Human Services.

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. 2424
HOUSE BILL NO. 2752
HOUSE BILL NO. 2903
HOUSE BILL NO. 3174
HOUSE JOINT RESOLUTION NO. 4222

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

There being no objection, the House adjourned until 9:00 a.m., February 16, 2010, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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