

## FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 2, 2010

The House was called to order at 12:00 p.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 The US Navy/Marine Corps Security Force Battalion Color Guard. The National Anthem was sung by Musician Third Class Sarah Reasner of Navy Band Northwest. The Navy Band Northwest Brass Quintet played "Anchors Away". The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain James Puttler, Navy Regional Northwest Chaplain.

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

### RESOLUTION

**HOUSE RESOLUTION NO. 4677, by Representatives Bailey, Smith, Seaquist, Upthegrove, Klippert, Ross, Kenney, Fagan, Nealey, Chandler, Warnick, Maxwell, Hinkle, Walsh, Cody, Van De Wege, Takko, Hunt, Finn, Schmick, Haler, Orcutt, Crouse, Kristiansen, Ormsby, Eddy, Carlyle, Alexander, Angel, Dammeier, Ericksen, Short, Campbell, Jacks, Pearson, Hope, and Liias**

WHEREAS, Navy personnel have volunteered for many worthwhile causes in Washington State that include blood drives, Relay for Life, Toys for Tots, cleaning beaches, supporting the Special Olympics, building houses with Habitat for Humanity, and a plethora of other services to our community; and

WHEREAS, The Navy has continued construction projects through the economic recession by maintaining a job base in Washington, including American Recovery and Reinvestment Act projects totaling more than 70 million dollars; and

WHEREAS, The Navy has deployed Washington servicemen and women to support the tsunami relief effort in American Samoa; and

WHEREAS, Navy hospital personnel have rapidly deployed to Haiti in response to the tragic earthquake of January 12th; and

WHEREAS, The Navy has deployed ships, squadrons, and individuals to support the mission of Operation Enduring Freedom in Afghanistan; and

WHEREAS, The Navy is at the forefront in exploring alternative energy solutions such as kinetic hydropower and biofuels; and

WHEREAS, The Navy has once again partnered with the State of Washington in providing emergency management training; and

WHEREAS, The Navy continues to partner with our local communities in volunteering for activities such as the high school Remotely Operated Vehicle Challenge, Personal Excellence Partnership, Campaign Drug Free, and Project Good Neighbor; and

WHEREAS, The Navy carries on the tradition of providing leadership in environmental stewardship, as well as education in health, safety, and fitness; and

WHEREAS, By a score of 17 to 3, the Navy Midshipmen football team once again trounced the Army Black Knights;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and express appreciation for all those who have ever served in the United States Navy, and all the family members and friends who shared their sacrifices with them; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize all the many contributions the Navy and its personnel make for everyone living in the United States and the entire global community, and encourage the citizens of Washington State to observe Navy Day which is celebrated on March 2, 2010.

Representative Bailey moved adoption of House Resolution No. 4677.

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

HOUSE RESOLUTION NO. 4677 was adopted.

### SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced Rear Admiral James Symonds, Rear Admiral Joe Aucoin, Commander John C. Stennis and Rear Admiral Mark Guadagnini and asked the Chamber to acknowledge them.

### MESSAGE FROM THE SENATE

March 1, 2010

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED HOUSE BILL 1876  
HOUSE BILL 2465  
SUBSTITUTE HOUSE BILL 2828

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5543, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Oemig, Rockefeller, Fairley, Murray, Kline, Keiser, Shin, Regala, Franklin, McAuliffe, Fraser, Ranker and Kohl-Welles)**

**Establishing the product stewardship recycling act for mercury-containing lights. Revised for 1st Substitute:  
Reducing the release of mercury into the environment.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environmental Health was adopted. (For Committee amendment, see Journal, Day 38, February 17, 2010).

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

Representatives Hunt and Campbell spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5543, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5543, as amended by the House, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5543, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6192, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Marr and Brandland)**

**Providing for modification of the disposition concerning restitution in juvenile cases.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

Representative Roberts spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6192, as amended by the House.

#### MOTION

On motion of Representative Hinkle, Representative Walsh was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6192, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

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

Voting nay: Representatives Appleton, Chase, Dunshee, Kagi, Liias, Moeller and Roberts.

Excused: Representative Walsh.

SUBSTITUTE SENATE BILL NO. 6192, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6192.

Bob Hasegawa, 11th District

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6192.

Brad Klippert, 8th District

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 6208, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Hatfield and Shin)**

**Concerning temporary agricultural directional signs on state highway rights-of-way. Revised for 1st Substitute: Concerning temporary agricultural directional signs.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

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

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6208, as amended by the House.

### MOTION

On motion of Representative Santos, Representative Wallace was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6208, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6208, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6214, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Morton, Swecker, Shin, McCaslin, Ranker, Rockefeller, Fairley, Pridemore, Kline, Parlette, Jacobsen, Schoesler, Sheldon, McDermott and Fraser)**

#### **Restructuring three growth management hearings boards into one board.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 43, February 22, 2010).

Representative Taylor moved the adoption of amendment (1274) to the committee amendment:

On page 10, beginning on line 29 of the striking amendment, after "created," strike all material through "retirement" on page 11, line 20, and insert "The board shall be comprised of seven members representing specified areas. The members shall hold seats for the represented areas as follows:

(a) Seat 1: Whatcom, Skagit, San Juan, Island, and Snohomish counties;

(b) Seat 2: King, Pierce, Thurston, Kitsap, and Mason counties;

(c) Seat 3: Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Wahkiakum, Cowlitz, and Clark counties;

(d) Seat 4: Okanogan, Chelan, Douglas, Adams, and Grant counties;

(e) Seat 5: Kittitas, Yakima, Benton, Klickitat, and Skamania counties;

(f) Seat 6: Franklin, Walla Walla, Columbia, Garfield, Whitman, and Asotin counties; and

(g) Seat 7: Ferry, Stevens, Pend Oreille, Lincoln, and Spokane counties.

(2) Board members shall be appointed by the county commissioners within the jurisdictional boundary of the seat they represent. The county commissioners of the counties to be represented by the board member shall convene in a joint public meeting to select the board member. The appointment shall occur through a majority vote of the county commissioners. Each county individually must have the quorum required to pass an ordinance in the county in order for the appointment vote to be official. Proxy voting is not allowed.

(3) Three members of the growth management hearings board or the full board shall hear matters subject to board review, with one member being from the county where the matter in question occurred and one member being from a county located on the same side of the state where the matter occurred as determined by the crest of the Cascade mountain range"

On page 11, after line 22 of the striking amendment, strike all material through "reasons" on page 12, line 38, and insert the following:

"(1) (~~Each~~) ~~The~~ growth management hearings board shall consist of (~~three~~) ~~seven~~ members qualified by experience or training in matters pertaining to land use planning and (~~residing within the jurisdictional boundaries of the applicable board. At least one member of each board must be admitted to practice law in this state and at least one member must have been a city or county elected official. Each board shall be appointed by the governor and not more than two members at the time of appointment or during their term shall be members of the same political party~~) as appointed in RCW 36.70A.250. No more than two members at the time of appointment or during their term shall reside in the same county.

(2) Each member of a board shall be appointed for a term of six years and shall not serve more than two terms. A vacancy shall be filled (~~by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. The terms of the first three members of a board shall be staggered so that one member is appointed to serve until July 1, 1994, one member until July 1, 1996, and one member until July 1, 1998~~) in accordance with RCW 36.70A.250(2)"

On page 14, line 18 of the striking amendment, after "~~(Each)~~" strike "The" and insert "Three-member panels or the full"

On page 14, line 21 of the striking amendment, after "~~(board)~~" strike "regional" and insert "three-member"

On page 14, line 30 of the striking amendment, after "cases to" strike "regional" and insert "three-member"

Representatives Taylor, Taylor (again) and Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

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

Amendment (1274) to the committee amendment was not adopted.

Representative Taylor moved the adoption of amendment (1276) to the committee amendment.

On page 11, line 11 of the striking amendment, after "years" insert ", and no member may serve more than two terms"

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

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

Amendment (1276) to the committee amendment was not adopted.

Representative Taylor moved the adoption of amendment (1275) to the committee amendment.

On page 14, beginning on line 3 of the striking amendment, after "(5)" strike all material through "~~((Each))~~" on line 18 and insert "~~((The board may appoint one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition. —(6) Each))~~"

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

On page 14, beginning on line 24 of the striking amendment, after "board" strike ", any of its members, or a hearing examiner appointed by the board" and insert "~~((, any of its members, or a hearing examiner appointed by the board))~~"

On page 15, line 1 of the striking amendment, after "member" strike "or hearing examiner" and insert "~~((or hearing examiner))~~"

On page 15, at the beginning of line 6 of the striking amendment, strike "or hearing examiner" and insert "~~((or hearing examiner))~~"

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

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

Amendment (1275) to the committee amendment was not adopted.

Representative Taylor moved the adoption of amendment (1273) to the committee amendment.

On page 14, line 18 of the striking amendment, after "~~((Each))~~" strike "The" and insert "Three-member panels or the full"

On page 14, line 21 of the striking amendment, after "~~((board))~~" strike "regional" and insert "three-member"

On page 14, line 30 of the striking amendment, after "cases to" strike "regional" and insert "three-member"

On page 23, after line 11 of the striking amendment, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 36.70A RCW to read as follows, to be codified between RCW 36.70A.250 and 36.70A.300:

A party may petition for a hearing or rehearing of a decision by all of the members of the growth management hearings board.

(1) The petition must begin with a statement that either: (a) The panel decision conflicts with a prior hearing board decision, appellate court decision, or Washington state supreme court decision, and consideration by the full board is necessary to secure and maintain uniformity in the board's decisions; or (b) the case involves one or more questions of exceptional importance, each of which must be concisely stated.

(2) A petition that a case be heard initially by the full board must be filed with the party's initial filing. A petition for a rehearing of the full board must be filed within ten days of the issuance of a final decision.

(3) The board must give all parties an opportunity to express their views as to whether a hearing by the full board is appropriate.

(4) Nothing in this section interferes with the right of a party to appeal a final decision to the superior court in accordance with RCW 36.70A.300(5). If a party files a case in superior court on the issue requested for rehearing, the full board does not have jurisdiction to rehear the case."

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 committee amendment.

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

Amendment (1273) to the committee amendment was not adopted.

The committee amendment by the Committee on Local Government & Housing was adopted.

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

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

Representatives Taylor and 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 Substitute Senate Bill No. 6214, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6214, as amended by the House, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

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

Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith and Taylor.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6214, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6379, by Senators Swecker, Hatfield, Marr, Haugen, Berkey, Ranker, Sheldon and Kauffman**

**Streamlining and making technical corrections to vehicle and vessel registration and title provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6379, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6379, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6379, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6414, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala)**

**Modifying sex offender registration provisions. Revised for 1st Substitute: Improving the administration and efficiency of sex and kidnapping offender registration.**

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 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 Substitute Senate Bill No. 6414.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6414, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6414, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6459, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Berkey, Marr and Schoesler)**

**Concerning the inspection of rental properties.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6459, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6459, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6459, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6556, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield and Schoesler)**

**Changing the fees for certain types of agricultural burning.**

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 Ormsby and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6556.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6556, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

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, 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, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Seaquist.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6556, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Substitute Senate Bill No. 6556.

Kirk Pearson, 39th District

**SECOND READING**

**SENATE BILL NO. 6593, by Senators Gordon, Kauffman, Prentice, Oemig, Tom, Kline and Parlette**

**Transferring the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

Representatives Dickerson and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6593, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6593, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6593, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6611, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore, Swecker and Shin)**

**Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for**

**three years. Revised for 1st Substitute: 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.**

The bill was read the second time.

Representative Simpson moved the adoption of amendment (1341).

On page 2, line 30, after "plan" strike all material through "subarea" on line 31 and insert "~~((that does not modify the comprehensive plan policies and designations applicable to the subarea))~~. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW"

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

Amendment (1341) was adopted.

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

Representatives Simpson, Alexander 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 Senate Bill No. 6611, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6611, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

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, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Simpson and Williams.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6611, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6627, by Senators Marr, Pflug, Keiser, Benton, Franklin, Fairley, Schoesler, Pridemore, Roach and Parlette**

**Authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada.**

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 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 Senate Bill No. 6627.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6627, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6627, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6730, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Hargrove, Stevens and Roach)**

**Concerning child welfare.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health & Human Services Appropriations, was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

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

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6730, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6730, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6730, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 6745, by Senator Sheldon**

##### **Concerning veterinary technician licenses.**

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 Haigh and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6745.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6745, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6745, having received the necessary constitutional majority, was declared passed.

#### **ENGROSSED SUBSTITUTE SENATE BILL NO. 6805, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Zarelli, Shin and Delvin)**

##### **Concerning the Washington state economic development commission.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community & Economic Development & Trade, was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives Kenney and Smith spoke in favor of the passage of the bill.

Representative Seaquist spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6805, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6805, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Fagan, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hunter, Hurst, Jacks, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nealey, Nelson, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Carlyle, Condotta, Crouse, Eddy, Ericksen, Finn, Herrera, Hudgins, Hunt, Johnson, Kagi, Klippert, Moeller, O'Brien, Orcutt, Roberts, Schmick, Seaquist and Shea.

Excused: Representatives Wallace and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6805, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Engrossed Substitute Senate Bill No. 6805.

Norm Johnson, 14<sup>th</sup> District

#### **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 6831, by Senate Committee on Ways & Means (originally sponsored by Senator Parlette)**

**Concerning estates and trusts.**

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6831.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6831, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6831, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6355, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Rockefeller and Shin)**

**Expanding the higher education system upon proven demand.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education, was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

With the consent of the House, amendments (1260) and (1272) were withdrawn.

Representative White moved the adoption of amendment (1349).

On page 5, line 4, beginning with "significant" strike all material through "centers" and insert "conversion of existing campuses, branches, or centers that would result in a mission change"

On page 5, line 12, after "institutions." insert "Board recommendations regarding proposed major expansion shall be limited to determinations of whether the major expansion is within the scope indicated in the most recent strategic master plan for higher education or most recent system design plan. Recommendations regarding existing capital prioritization processes are not within the scope of the evaluation of major expansion."

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

Amendment (1349) was adopted.

Representative Sells moved the adoption of amendment (1299).

On page 8, line 33, after "period." strike all material through "~~commitment~~." on line 35 and insert "Strong priority will be given to proposals that involve more than one sector of education (~~and to proposals that show substantive institutional commitment~~)."

Representatives Sells and Anderson spoke in favor of the adoption of the amendment.

Amendment (1299) was adopted.

Representative Dunshee moved the adoption of amendment (1267).

On page 10, after line 18, insert the following:

"**Sec. 9.** RCW 43.88D.010 and 2008 c 205 s 2 are each amended to read as follows:

(1) By October 15th of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees, the higher education coordinating board, and the four-year institutions (~~except that, for 2008, the office of financial management shall complete the objective analysis and scoring by November 1st~~). Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at main and branch campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings (~~or renovate facilities to restore building life and upgrade space to meet current program requirements~~). Facilities that cannot be economically renovated are considered replacement projects. (~~Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life.~~) New space may be programmed for the same or a different use than the space being replaced or renovated and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or

an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

~~((d))~~(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

~~((e))~~(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees ~~((and the joint legislative audit and review committee)),~~ shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges, the higher education coordinating board, and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by ~~((the joint legislative audit and review committee and))~~ independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions ~~((except that, for the 2009-2011 budget development cycle, this information must be distributed by July 1, 2008)).~~ The office of financial management, in consultation with the legislative fiscal committees ~~((and the joint legislative audit and review committee)),~~ shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the higher education coordinating board and the joint legislative audit and

review committee concerning the condition of higher education facilities.

(7) By August 15th of each even-numbered year ~~((beginning in 2008;))~~ each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. ~~((On a pilot basis, the office of financial management shall require one research university to prepare two separate prioritized lists for each category, one for the main campus, and one covering all of the institution's branch campuses. The office of financial management shall report to the legislative fiscal committees by December 1, 2009, on the effect of this pilot project on capital project financing for all branch campuses.))~~ The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) The office of financial management shall convene a group by August 15th of each even-numbered year to rank projects in priority order in a single list to be submitted to the legislature for the ensuing biennium. The group shall consist of one representative of the higher education coordinating board, two representatives of the council of presidents, two representatives of the office of financial management, and one representative of the Washington state economic development commission. The council of presidents' representatives must rotate every two years, with each four-year public baccalaureate research institution representing the council of presidents once every two biennia and each four-year public baccalaureate nonresearch institution representing the council of presidents once every four biennia. The Washington state economic development representative shall be appointed by the governor and will change every two years. The governor or a designee may participate in determining the prioritized list.

(9) The priorities set by the group shall consider policies for the state's higher education system to achieve growth and manage existing assets in a responsible manner, biennial budget projections for capital expenditures, and biennial budget projections for student full-time equivalent growth."

Correct the title.

Representatives Dunshee and Anderson spoke in favor of the adoption of the amendment.

Amendment (1267) was adopted.

Representative White moved the adoption of amendment (1268).

On page 10, after line 18, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 28B.20 RCW to read as follows:

(1) This section provides an alternative process for awarding contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of university buildings and facilities in which critical patient care or highly specialized medical research is located. These provisions may be used, in lieu of other procedures to award contracts for such work, when the estimated cost of the work is equal to or less than five million dollars and the project involves construction, renovation, remodeling, or alteration of improvements within a building that is used directly for critical patient care or highly specialized medical research.

(2) The university may create a single critical patient care or specialized medical research facilities roster or may create multiple

critical patient care or specialized medical research facilities rosters for different trade specialties or categories of anticipated work. At least once a year, the university shall publish in a newspaper of general circulation a notice of the existence of the roster or rosters and solicit a statement of qualifications from contractors who wish to be on the roster or rosters of prime contractors. In addition, qualified contractors shall be added to the roster or rosters at any time they submit a written request, necessary records, and meet the qualifications established by the university. The university may require eligible contractors desiring to be placed on a roster to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the university as a condition of being placed on a roster or rosters. Placement on a roster shall be on the basis of qualifications.

(3) The public solicitation of qualifications shall include but not be limited to:

(a) A description of the types of projects to be completed and where possible may include programmatic, performance, and technical requirements and specifications;

(b) The reasons for using the critical patient care and specialized medical research roster process;

(c) A description of the qualifications to be required of a contractor, including submission of an accident prevention program;

(d) A description of the process the university will use to evaluate qualifications, including evaluation factors and the relative weight of factors;

(e) The form of the contract to be awarded;

(f) A description of the administrative process by which the required qualifications, evaluation process, and project types may be appealed; and

(g) A description of the administrative process by which decisions of the university may be appealed.

(4) The university shall establish a committee to evaluate the contractors submitting qualifications. Evaluation criteria for selection of the contractor or contractors to be included on a roster shall include, but not be limited to:

(a) Ability of a contractor's professional personnel;

(b) A contractor's past performance on similar projects, including but not limited to medical facilities, and involving either negotiated work or other public works contracts;

(c) The contractor's ability to meet time and budget requirements;

(d) The contractor's ability to provide preconstruction services, as appropriate;

(e) The contractor's capacity to successfully complete the project;

(f) The contractor's approach to executing projects;

(g) The contractor's approach to safety and the contractor's safety history; and

(h) The contractor's record of performance, integrity, judgment, and skills.

(5) Contractors meeting the evaluation committee's criteria for selection must be placed on the applicable roster or rosters.

(6) When a project is selected for delivery through this roster process, the university must establish a procedure for securing written quotations from all contractors on a roster to assure that a competitive price is established. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Plans and specifications must be included in the invitation but may not be detailed. Award of a project must be made to the responsible bidder submitting the lowest responsive bid.

(7) The university shall make an effort to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400.

(8) Beginning in September 2010 and every other year thereafter, the university shall provide a report to the capital projects advisory review board which must, at a minimum, include a list of rosters used,

contracts awarded, and a description of outreach to and participation by women and minority-owned businesses.

NEW SECTION. Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The alternative process for awarding contracts established in section 9 of this act terminates June 30, 2015, as provided in section 3 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 43.131 RCW to read as follows:

Section 9 of this act, as now existing or hereinafter amended, is repealed, effective June 30, 2016."

Correct the title

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

Amendment (1268) was adopted.

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

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6355, as amended by the House.

## MOTIONS

On motion of Representative Santos, Representative Flannigan was excused. On motion of Representative Hinkle, Representative Alexander was excused.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6355, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives 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, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Alexander and Flannigan.

SUBSTITUTE SENATE BILL NO. 6355, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, by Senate Committee on Transportation (originally sponsored by Senators Tom, Swecker, Oemig, Holmquist, Jacobsen, Haugen and Marr)**

**Clarifying the use of revenue generated from tolling the state route number 520 corridor.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 25, 2010).

Representative Roach moved the adoption of amendment (1357) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the 2009 state route number 520 legislative workgroup recommended a design and finance plan to move forward with final design and construction of the state route number 520 corridor. The design option for the westside, known as Option A+, is declared consistent with the design requirements outlined in RCW 47.01.408, which calls for six total lanes, with two lanes that are for transit and high-occupancy vehicle travel, and four general purpose lanes for the state route number 520 bridge replacement and HOV project.

The legislature further recognizes that time is of the essence and further study or refinement of the design of the state route number 520 bridge replacement and HOV project will only delay the project. Construction must move forward once the supplemental draft environmental impact statement process is complete, consistent with the department of transportation's plan to open the new state route number 520 bridge to vehicular traffic in 2014.

The legislature further intends that any cost savings applicable to the state route number 520 bridge replacement and HOV program stay within the program.

**Sec. 2.** RCW 47.56.870 and 2009 c 472 s 2 are each amended to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds, authorized in RCW 47.10.879, first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the ((replacement state route number 520 floating bridge and necessary landings)) state route number 520 bridge replacement and HOV program, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) The proceeds of the bonds designated in subsection (3)(b)(i) of this section ~~((, which together with other appropriated and identified~~

~~state and federal funds is sufficient to pay for the replacement of the floating bridge segment and necessary landings of state route number 520;)) must be used only to fund the ((construction of the replacement state route number 520 floating bridge and necessary landings)) state route number 520 bridge replacement and HOV program in the following order of priority:~~

(a) To pay for the replacement of the floating bridge segment and necessary landings of state route number 520;

(b) Bond proceeds in excess of the proceeds necessary to complete the floating bridge segment and necessary landings must be used first to construct the state route number 520, Medina to state route number 202 eastside transit and HOV project; and

(c) Bond proceeds in excess of the proceeds necessary to complete the projects specified in (4)(a) and (4)(b) of this subsection must be used to fund the state route number 520, Interstate 5 to Medina bridge replacement and HOV project segment of the program and may be used to fund effective connections for high occupancy vehicles and transit for state route number 520, but only to the extent those connections benefit or improve the operation of state route number 520.

(5) The department may carry out the ~~((construction and))~~ improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

**Sec. 3.** RCW 47.56.875 and 2009 c 472 s 4 are each amended to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ the state route number 520 bridge replacement and HOV program, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the ~~((purpose of building the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program; and

(e) All damages, liquidated or otherwise, collected under any contract involving the ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the ~~((replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the ~~((replacement state route number 520 floating bridge project and necessary landings))~~ state route number 520 bridge replacement and HOV program in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

(4) The first use of toll charges must be for repayment of bond principal and interest and must be the highest priority of the tolling authority in establishing toll rates.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.56 RCW to read as follows:

All revenue from tolling the current and replacement state route number 520 floating bridges must be used only on state route number 520 between state route 5 and state route 202 for highway purposes consistent with Article II, section 40 of the state Constitution."

Correct the title.

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1357) to the committee amendment

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

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

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (1357) to the committee amendment to Engrossed Substitute Senate Bill No. 6392 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2.

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

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

Excused: Representatives Alexander and Flannigan.

Amendment (1357) to the committee amendment was not adopted.

Representative Eddy moved the adoption of amendment (1269) to the committee amendment.

On page 7, after line 33 of the amendment, insert the following:

"Sec. 6. RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and 2009 c 451 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park

relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

Representatives Eddy and Roach spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1269) to the committee amendment was adopted.

The committee amendment by the Committee on Transportation was adopted as amended.

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

Representatives Eddy and Clibborn spoke in favor of the passage of the bill.

Representatives Roach and Pedersen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6392, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6392, as amended by the House, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

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

Voting nay: Representatives Condotta, Crouse, Driscoll, Haler, Hasegawa, Herrera, Hurst, Kelley, Klippert, Orcutt, Parker, Pearson, Pedersen, Probst, Roach, Schmick, Shea, Taylor and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on Transportation (originally sponsored by Senators Murray and Haugen)**

**Concerning the administration, collection, use, and enforcement of tolls.**

The bill was read the second time.

Representative Roach moved the adoption of amendment (1356).

On page 17, after line 27, insert the following:

"**Sec. 12.** RCW 47.56.820 and 2008 c 122 s 4 are each amended to read as follows:

(1) Unless otherwise delegated, only the legislature may authorize the imposition of tolls on eligible toll facilities.

(2) All revenue from an eligible toll facility must be used only to construct, improve, preserve, maintain, manage, or operate the eligible toll facility on or in which the revenue is collected. Expenditures of toll revenues are subject to appropriation, must be

used only for highway purposes consistent with Article II, section 40 of the state Constitution, and must be made only:

(a) To cover the operating costs of the eligible toll facility, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;

(b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves and insurance;

(c) To meet any other obligations to provide funding contributions for any projects or operations on the eligible toll facilities; or

(d) ~~((To provide for the operations of conveyances of people or goods; or~~

~~(e)))~~For any other improvements to the eligible toll facilities."

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

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

Representative Clibborn spoke against the adoption of the amendment.

Amendment (1356) was not adopted.

Representative Williams moved the adoption of amendment (1365).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.56.010 and 2002 c 114 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests used therefor, and buildings and improvements thereon.

(2) "Toll road" means any express highway, superhighway, or motorway at such locations and between such termini as may be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the department, and shall include, but not be limited to, all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage, and other buildings that the department may deem necessary for the operation of the project, together with all property, rights, easements, and interests that may be acquired by the department for the construction or the operation of the project, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as those procedures are reasonably consistent and applicable.

(3) "1950 Tacoma Narrows bridge" means the bridge crossing the Tacoma Narrows that was opened to vehicle travel in 1950.

(4) "Electronic toll collection system" means a system that collects tolls by crediting or debiting funds from a customer's unique prepaid tolling account.

(5) "Photo toll" means a toll charge associated with a particular vehicle that is identified by its license plate. A photo toll may be paid through one of the following methods:

(a) A customer-initiated account that is prepaid or postpaid.

(b) In response to a toll bill that is sent to the registered owner of the vehicle incurring the photo toll charge. The toll bill may designate a toll payment due date for the photo toll assessed.

(6) "Photo toll system" means a camera-based imaging system that uses digital video or still image formats to record license plate images of vehicles using toll lanes for the purpose of collecting a photo toll.

(7) "Toll payment due date" means the date when a toll must be paid to avoid a toll violation. The toll payment due date is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

**Sec. 2.** RCW 47.46.020 and 1993 c 370 s 2 are each amended to read as follows:

As used in this chapter(;;):

(1) "Electronic toll collection system" means a system that collects tolls by crediting or debiting funds from a customer's unique prepaid tolling account.

(2) "Photo toll" means a charge associated with a particular vehicle that can only be identified by its license plate. A photo toll may be paid through one of the following methods:

(a) A customer-initiated account that is prepaid or postpaid.

(b) In response to a toll bill that is sent to the registered owner of the vehicle incurring the photo toll charge. The toll bill may designate a toll payment due date for the photo toll assessed.

(3) "Photo toll system" means a camera-based imaging system that uses digital video or still image formats to record license plate images of vehicles using toll lanes for the purpose of collecting a photo toll.

(4) "Toll payment due date" means the date when a toll must be paid to avoid a toll violation. The toll payment due date is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

(5) "Transportation systems and facilities" means capital-related improvements and additions to the state's transportation infrastructure, including but not limited to highways, roads, bridges, vehicles, and equipment, marine-related facilities, vehicles, and equipment, park and ride lots, transit stations and equipment, transportation management systems, and other transportation-related investments.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.56 RCW to read as follows:

(1) A toll collection system may include, but is not limited to, electronic toll collection and photo tolling.

(2)(a) A photo toll system may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, other recorded images, or other records identifying a specific instance of travel prepared under this chapter are for the exclusive use of the tolling agency for toll collection and enforcement purposes and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a notice of infraction under RCW 46.63.160. No photograph, digital photograph, microphotograph, videotape, other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of notices of infraction under RCW 46.63.160. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies as previously determined for toll facilities. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(3) The department and its agents shall only use electronic toll collection system technology for toll collection purposes.

(4) Tolls may be collected and paid by the following methods:

(a) A customer may pay an electronic toll through an electronic toll collection account;

(b) A customer may pay a photo toll either through a customer-initiated payment or in response to a toll bill; or

(c) A customer may pay with cash on toll facilities that have a manual cash collection system.

(5) To the extent practicable, the department shall adopt electronic toll collection options, which allow for anonymous customer accounts and anonymous accounts that are not linked to a specific vehicle.

(6) The transportation commission shall adopt rules, in accordance with chapter 34.05 RCW, to assess administrative fees as appropriate for toll collection processes. Administrative fees must not exceed toll collection costs. All administrative fees collected under this section must be deposited into the toll facility account of the facility on which the toll was assessed.

(7) Failure to pay a photo toll by the toll payment due date is a violation under RCW 46.63.160 for which a notice of infraction may be issued under RCW 46.63.030 and 46.63.160.

**Sec. 4.** RCW 47.46.105 and 2004 c 230 s 2 are each amended to read as follows:

~~((1) Tolls may be collected by any system that identifies the correct toll and collects the payment. Systems may include manual cash collection, electronic toll collection, and photo monitoring systems.~~

~~—(a) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account. The department shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.~~

~~—(b) "Photo monitoring system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system in a toll facility that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated within a toll facility.~~

~~—(c) No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than toll enforcement, nor retained longer than necessary to verify that tolls are paid, or to enforce toll evasion violations.~~

~~—(2) The department shall adopt rules to govern toll collection.))~~

(1) A toll collection system may include, but is not limited to, electronic toll collection and photo tolling.

(2)(a) A photo toll system may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, other recorded images, or other records identifying a specific instance of travel prepared under this chapter are for the exclusive use of the tolling agency for toll collection and enforcement purposes and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a notice of infraction under RCW 46.63.160. No photograph, digital photograph, microphotograph, videotape, other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of notices of infraction under RCW 46.63.160. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to

ensure payment and enforcement of tolls and to comply with state records retention policies as previously determined for toll facilities. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(3) The department and its agents shall only use electronic toll collection system technology for toll collection purposes.

(4) Tolls may be collected and paid by the following methods:

(a) A customer may pay an electronic toll through an electronic toll collection account;

(b) A customer who does not have an electronic toll collection account may pay a photo toll either through a customer-initiated payment or in response to a toll bill; or

(c) A customer who does not have an electronic toll collection account may pay with cash on toll facilities that have a manual cash collection system.

(5) To the extent practicable, the department shall adopt electronic toll collection options, which allow for anonymous customer accounts and anonymous accounts that are not linked to a specific vehicle.

(6) The transportation commission shall adopt rules, in accordance with chapter 34.05 RCW, to assess administrative fees as appropriate for toll collection processes. Administrative fees must not exceed toll collection costs. All administrative fees collected under this section must be deposited into the toll facility account of the facility on which the toll was assessed.

(7) Failure to pay a photo toll by the toll payment due date is a violation under RCW 46.63.160 for which a notice of infraction may be issued under RCW 46.63.030 and 46.63.160.

**Sec. 5.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of a photo ~~((enforcement))~~ toll system under RCW 46.63.160; or

(e) When the infraction is detected through the use of an automated traffic safety camera under RCW 46.63.170.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the

infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

**Sec. 6.** RCW 46.63.160 and 2009 c 272 s 1 are each amended to read as follows:

(1) This section applies only to infractions issued under ~~((RCW 46.61.690 for toll collection evasion))~~ section 3 of this act and RCW 47.46.105 for toll violations detected through the use of photo toll systems.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) ~~(Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.~~

~~—(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.~~

~~—(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.~~

~~—(6) The use of a toll collection system is subject to the following requirements:~~

~~—(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.~~

~~—(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.~~

~~—(7)) A notice of infraction may be issued when a toll is assessed through the use of a photo toll system and the toll is not paid by the toll payment due date, which is eighty days from the date the toll was assessed.~~

~~(4) A notice of infraction may be issued by a limited authority Washington peace officer as defined in RCW 10.93.020. The agency responsible for detecting toll violations may determine who serves as the limited authority Washington peace officer.~~

~~—(5) The use of a photo ((enforcement)) toll system ((for issuance of notices of infraction)) is subject to the following requirements:~~

~~(a) Photo ((enforcement)) toll systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.~~

~~(b) ((A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement)) The officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo ((enforcement)) toll system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.~~

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, ~~((or))~~ other recorded images, or other records identifying a specific instance of travel prepared under this chapter are for the exclusive use of the tolling agency for toll collection purposes and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, ~~((or))~~ other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of violations under this chapter ~~((not retained longer than necessary to enforce this chapter or verify that tolls are paid))~~. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies as previously determined for toll facilities. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(d) All locations where a photo ~~((enforcement))~~ toll system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where ~~((traffic laws are))~~ tolls are assessed and enforced by a photo ~~((enforcement))~~ toll system.

~~((8))~~ (6) Infractions for toll nonpayment detected through the use of photo ((enforcement)) toll systems must be issued to the registered owner of the vehicle identified by the photo toll system, but are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of photo enforcement systems under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

~~((9))~~ (7) The penalty for ((an infraction)) toll nonpayment detected through the use of a photo ((enforcement)) toll system ((shall be)) is forty dollars plus an additional toll penalty~~(—The toll penalty is equal to three times the cash toll for a standard passenger car during peak hours. The toll penalty may not be reduced. The court shall remit the toll penalty to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid))~~ of twelve dollars. Two dollars of the infraction amount that is not remitted to the department of transportation under this subsection must be forwarded to the state treasurer for deposit in the judicial information system account established in RCW 2.68.020 to be used for costs associated with the development and maintenance of judicial information system products and services. The court may not waive, reduce, or suspend the two dollars that are allocated to the judicial information system account. The toll penalty may not be reduced. The court shall remit one-half of the toll penalty and one-half of the forty-dollar penalty for toll nonpayment to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. However, beginning on July 1, 2011, toll penalties and penalties for toll nonpayment deposited into the Tacoma Narrows toll bridge account created under RCW 47.56.165 must first be allocated toward repayment of operating loans and reserve payments provided to the account from the motor vehicle account under section 1005(15), chapter 518, Laws of 2007. Additionally, the one-half of the toll penalty and one-half of the forty-dollar penalty for toll nonpayment remitted by the courts to the department of transportation, resulting from the nonpayment of tolls on the state route number 520 corridor, must be deposited into the state route

number 520 civil penalties account created under section 4, chapter . . . (Engrossed Substitute Senate Bill No. 6392), Laws of 2010, but only if chapter . . . (Engrossed Substitute Senate Bill No. 6392), Laws of 2010 is enacted by June 30, 2010.

(8) Any court system adjudicating infractions for toll nonpayment must annually provide to the transportation committees of the legislature a complete accounting of all the court system's costs associated with such adjudication.

(9) If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid.

(10) If the registered owner of the vehicle is a rental car business, the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

**Sec. 7.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of ~~((a photo enforcement system under RCW 46.63.160, or detected through the use of))~~ an automated traffic safety camera under RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW ~~((46.63.160 or))~~ 46.63.170, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) T his presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

**Sec. 8.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources ~~((and)),~~ social and health services, and transportation, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, the office of the insurance commissioner, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting

one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

**Sec. 9.** RCW 47.56.167 and 2008 c 122 s 23 are each amended to read as follows:

(1) The central toll ((collection)) account is created in the custody of the state treasurer for the deposit of prepaid customer tolls and clearing activities benefiting multiple toll facilities.

(2) All receipts from prepaid customer tolls must be deposited into the account. ((Distributions from the account)) Prepaid customer tolls may be used only to refund customer((s)) prepaid tolls or for distributions ((into)) to the appropriate toll facility account((: Distributions into the appropriate toll facility account shall be based on charges incurred at each toll facility and shall include a proportionate share of interest earned from amounts deposited into the account)) based on an equitable methodology to be determined by the department in consultation with the office of financial management. For purposes of accounting, distributions from the account constitute earned toll revenues in the receiving toll facility account at the time of distribution.

(3) Operations that benefit multiple toll facilities may be recorded in the account. At least monthly, operating activities must be distributed to the benefiting toll facility accounts.

(4) On a monthly basis, interest earnings on deposits in the account must be distributed to the toll facility accounts based on an equitable methodology to be determined by the department in consultation with the office of financial management.

(5) Only the secretary of transportation or the secretary's designee may authorize distributions from the account. Distributions of revenue and refunds from this account are not subject to the allotment procedures under chapter 43.88 RCW and an appropriation is not required.

**Sec. 10.** RCW 46.61.690 and 2004 c 231 s 1 are each amended to read as follows:

(1) Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, a political subdivision or municipal corporation empowered to operate toll facilities, or an entity operating a toll facility under a contract with the department of transportation, a political subdivision, or municipal corporation, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

((+)) (a) The person does not pay, refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious, counterfeit, or stolen ticket, coupon, token, or electronic device for payment of any such tolls((+));

((=)) (b) The person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns((=));

((3)) (c) The person refuses to move a vehicle through the toll facility after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll facility for the purpose of collecting tolls; or

(d) The driver of the vehicle displays any vehicle license number plate or plates that have been, in any manner, changed, altered, obscured, or disfigured, or have become illegible.

(2) Subsection (1)(a) of this section does not apply to toll nonpayment detected through the use of photo toll systems under RCW 46.63.160.

**NEW SECTION. Sec. 11.** This act takes effect January 15, 2011."

Correct the title.

Representative Roach moved the adoption of amendment (1366) to amendment (1365).

On page 16, after line 12, insert the following:

**"Sec. 11.** RCW 47.56.820 and 2008 c 122 s 4 are each amended to read as follows:

(1) Unless otherwise delegated, only the legislature may authorize the imposition of tolls on eligible toll facilities.

(2) All revenue from an eligible toll facility must be used only to construct, improve, preserve, maintain, manage, or operate the eligible toll facility on or in which the revenue is collected. Expenditures of toll revenues are subject to appropriation, must be used only for highway purposes consistent with Article II, section 40 of the state Constitution, and must be made only:

(a) To cover the operating costs of the eligible toll facility, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;

(b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves and insurance;

(c) To meet any other obligations to provide funding contributions for any projects or operations on the eligible toll facilities; or

~~(d) ((To provide for the operations of conveyances of people or goods; or~~

~~(e)) For any other improvements to the eligible toll facilities."~~

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

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

Amendment (1366) to amendment (1365) was not adopted.

Representatives Williams and Anderson spoke in favor of the adoption of amendment (1365).

Representative Liias spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 44 - YEAS; 53 - NAYS.

Amendment (1365) 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.

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

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6499.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy,

Ericks, Finn, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, 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, 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, Goodman, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6604, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, King, McAuliffe, Oemig, Tom, Brandland, Holmquist, McDermott and Kline)**

**Providing flexibility in the education system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Carlyle moved the adoption of amendment (1293) to the committee amendment:

On page 4, beginning on line 33 of the striking amendment, strike all material through "~~28B.50.535.~~" on page 5, line 34 and insert the following:

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

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

~~((a))~~(a) The student's results on the ~~((Washington))~~ state assessment ~~((of student learning))~~;

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

~~((c))~~(c) Any credit deficiencies;

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

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

~~((f))~~(f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

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

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

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

~~((j))~~(j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

("

Representatives Carlyle, Priest and Maxwell spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1293) to the committee amendment was adopted.

Representative Ross moved the adoption of amendment (1265) to the committee amendment.

On page 6, line 9 of the striking amendment, after "~~necessary~~," insert the following:

"**Sec. 2.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to read as follows:

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled ~~((shall))~~ may:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing, by e-mail, or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences to be conducted by telephone or in person with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps ~~((shall))~~ may include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help

eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district ~~((shall))~~ may file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

**Sec. 3.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall take the following actions if the child is enrolled in the sixth grade or above, and may take the following actions if the child is enrolled in the fifth grade or below:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing, by e-mail, or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the custodial parent, parents, or guardian is not fluent in English, the preferred practice is to provide this information in a language in which the custodial parent, parents, or guardian is fluent; and

(b) Schedule a conference or conferences to be conducted by telephone or in person with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day~~((and))~~.

~~((=))~~ (2) The school may also take steps to eliminate or reduce the child's absences. These steps ~~((shall))~~ may include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, if available, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

~~((=))~~ (3) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

~~((=))~~ (4) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015.

**Sec. 4.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board composed of members of the local community in

which the child attends school. Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

(2) The legislature finds that utilization of community truancy boards, or other diversion units that fulfill a similar function, is the preferred means of intervention when preliminary methods of notice and parent conferences and taking appropriate steps to eliminate or reduce unexcused absences have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court. ~~((Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).))~~

**Sec. 5.** RCW 28A.225.030 and 1999 c 319 s 2 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and ~~((if the actions taken by a))~~ the school district takes actions under RCW 28A.225.020 that are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year, the school district ~~((shall))~~ may file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district ~~((shall not later than))~~ may, after the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board, if available, as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district ~~((fails to))~~ does not file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Sec. 6.** RCW 28A.225.151 and 1996 c 134 s 5 are each amended to read as follows:

(1) As required under subsection (2) of this section, (~~each school~~) if a school takes additional actions provided in RCW 28A.225.030, it shall document the actions taken (~~under RCW 28A.225.030~~) and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

(d) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; and

(e) The number of petitions filed by a school district with the juvenile court.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.

**NEW SECTION. Sec. 7.** Sections 2 through 6 of this act take effect July 1, 2010."

Representatives Ross and Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Dickerson and Kessler spoke against the adoption of the amendment to the committee amendment.

Amendment (1265) to the committee amendment was adopted.

Representative Liias moved the adoption of amendment (1342) to the committee amendment.

On page 6, after line 9 of the striking amendment, insert the following:

"**Sec. 2.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance

at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

**Sec. 3.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and (~~community, trade, and economic development~~) commerce shall share relevant information.

Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

**Sec. 4.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. ~~((School districts shall provide parents with))~~ The notification shall include information regarding ((their)) parents' rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form."

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

Representatives Maxwell and Priest spoke against the adoption of the amendment to the committee amendment.

Amendment (1342) to the committee amendment was not adopted.

The committee amendment by the Committee on Education was adopted as amended.

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

Representatives 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 Engrossed Substitute Senate Bill No. 6604, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6604, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; 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, 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, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, 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 Dickerson, Hasegawa and Moeller.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6604, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kilmer and Delvin)**

#### Creating community facilities districts.

The bill was read the second time.

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

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6241.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241, and the bill passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 1.

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

Voting nay: Representatives Anderson, Bailey, Chandler, Condotta, Crouse, Ericksen, Fagan, Haler, Herrera, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6357, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Shin, Rockefeller, McAuliffe and Roach)**

**Requiring policies for academic recognition of certain life and learning experiences. Revised for 1st Substitute: Requiring policies for academic recognition of certain formal and informal learning experiences.**

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 Wallace 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 Substitute Senate Bill No. 6357.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6357, 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.

SUBSTITUTE SENATE BILL NO. 6357, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6468, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Kauffman, Rockefeller, Pridemore, Berkey and Kline)**

**Coordinating the weatherization and structural rehabilitation of residential structures.**

The bill was read the second time.

Representative Fagan moved the adoption of amendment (1285).

On page 7, line 11, after "home." insert "The policies must ensure that no more than six thousand five hundred dollars from state provided funds from the low-income weatherization and structural rehabilitation assistance account are expended per housing unit."

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

Representative Simpson spoke against the adoption of 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 (1285) was not adopted.

Representative Short moved the adoption of amendment (1317).

On page 8, line 3, after "frequency." insert "the project costs, and"

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

Amendment (1317) was adopted.

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

Representative Simpson 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 Senate Bill No. 6468, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6468 as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, 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, Warnick, White, Williams, Wood and Mr. Speaker.

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

Excused: Representative Flannigan.

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

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6522, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Pflug, Keiser, Swecker, Murray, Honeyford, Kline, Hewitt and Shin)**

**Establishing the accountable care organization pilot projects.**

The bill was read the second time.

With the consent of the House amendment (1354) 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 Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6522.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6522, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pearson, 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, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Chandler, Condotta, Hinkle, Klippert, Kristiansen, Orcutt, Parker, Shea, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6522, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6561, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, McCaslin, Regala and Stevens)

#### Restricting access to juvenile offender records.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Dammeier moved the adoption of amendment (1352) to the committee amendment:

On page 1, beginning on line 3 of the striking amendment, strike all of section 1

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

Representatives Dammeier and Dickerson spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1352) to the committee amendment was adopted.

Representative Dickerson moved the adoption of amendment (1300) to the committee amendment.

On page 4, beginning on line 17 of the striking amendment, after "diversions" strike all material through "offenses," on line 18

On page 4, line 27 of the striking amendment, after "person:" strike "and"

On page 4, line 28 of the striking amendment, after "(iv)" insert the following:

"The person has not been convicted of a sex offense; and (v)"

Representatives Dickerson and Dammeier spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1300) to the committee amendment was adopted.

The committee amendment by the Committee on Human Services was adopted as amended.

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

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

Representative Dammeier 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 Senate Bill No. 6561, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6561, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, 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, 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, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6561, as amended by the House, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SENATE BILL NO. 6610, by Senators Hargrove and McAuliffe

**Concerning the assessment and treatment of certain persons with mental illnesses. (REVISED FOR ENGROSSED: Improving procedures relating to the commitment of persons found not guilty by reason of insanity. )**

The bill was read the second time.

With the consent of the House, the committee amendment by the Committee on Human Services was not adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

Representative Dickerson moved the adoption of amendment (1358).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The Washington state institute for public policy shall, in collaboration with the department of social and health services and other applicable entities, undertake a search for validated mental health assessment tools in each of the following areas:

(a) An assessment tool or combination of tools to be used by individuals performing court-ordered competency assessments and level of risk assessments of defendants pursuant to chapter 10.77 RCW; and

(b) An assessment tool or combination of tools to be used by individuals developing recommendations to courts as to the appropriateness of conditional release from inpatient treatment of criminally insane patients pursuant to chapter 10.77 RCW.

(2) This section expires June 30, 2011.

**Sec. 2.** RCW 10.77.120 and 2000 c 94 s 15 are each amended to read as follows:

(1) The secretary shall ~~((forthwith))~~ provide adequate care and individualized treatment to persons found criminally insane at one or several of the state institutions or facilities under ~~((his or her))~~ the direction and control ~~((wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition))~~ of the secretary. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed ~~((to him or her))~~ as criminally insane, ~~((and in order for the secretary to place such individuals in a proper facility,))~~ all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in ~~((such a manner as))~~ order to provide a proper evaluation and diagnosis of such individual. The examinations of all ~~((developmentally disabled))~~ persons with developmental disabilities committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be released from the control of the secretary ~~((save upon the))~~ except by order of a court of competent jurisdiction made after a hearing and judgment of release.

(2) Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send ~~((him or her))~~ the person in the custody of one or more department employees to the county ~~((where))~~ in which the hearing is to be held at the time the case is called for trial. During the time the person is absent from the facility, ~~((he or she shall))~~ the person may be confined in a facility designated by and arranged for by the department, ~~((and))~~ but shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall ~~((forthwith))~~ return the person to such institution or facility designated by the secretary. If the state appeals an order of release, such appeal shall operate as a stay, and the person shall remain in custody ~~((shall so remain))~~ and be ~~((forthwith))~~ returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

**Sec. 3.** RCW 10.77.150 and 1998 c 297 s 41 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county which ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer prior to making any change in the offender's address or employment. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the person is not in compliance with the court-ordered conditions of release.

(3)(4) If the court determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to

report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the medication or treatment or upon a change in mental health condition that renders the patient a potential risk to the public report ~~((the failure))~~ to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer.

~~((4))~~ (5) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

**Sec. 4.** RCW 10.77.160 and 1993 c 31 s 7 are each amended to read as follows:

When a conditionally released person is required by the terms of his or her conditional release to report to a physician, department of corrections community corrections officer, or medical or mental health practitioner on a regular or periodic basis, the physician, department of corrections community corrections officer, medical or mental health practitioner, or other such person shall monthly, for the first six months after release and semiannually thereafter, or as otherwise directed by the court, submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the county in which the person was committed, a report stating whether the person is adhering to the terms and conditions of his or her conditional release, and detailing any arrests or criminal charges filed and any significant change in the person's mental health condition or other circumstances.

**Sec. 5.** RCW 10.77.190 and 1998 c 297 s 43 are each amended to read as follows:

(1) Any person submitting reports pursuant to RCW 10.77.160, the secretary, or the prosecuting attorney may petition the court to, or the court on its own motion may schedule an immediate hearing for the purpose of modifying the terms of conditional release if the petitioner or the court believes the released person is failing to adhere to the terms and conditions of his or her conditional release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the secretary of social and health services, the secretary of corrections, or the court, after examining the report filed with them pursuant to RCW 10.77.160, or based on other information received by them, reasonably believes that a conditionally released person is failing to adhere to the terms and conditions of his or her conditional release the court or secretary of social and health services or the secretary of corrections may order that the conditionally released person be apprehended and taken into custody ~~((until such time as a hearing can be scheduled to determine the facts and whether or not the person's conditional release should be revoked or modified))~~. The court shall be notified of the apprehension before the close of the next judicial day ~~((of the apprehension))~~. The court shall schedule a hearing within thirty days to determine whether or not the person's conditional release should be modified or revoked. Both the prosecuting attorney and the conditionally released person shall have the right to request an immediate mental examination of the conditionally released person. If the conditionally released person is indigent, the court or secretary of social and health services or the secretary of corrections or their designees shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(3) If the hospital or facility designated to provide outpatient care determines that a conditionally released person presents a threat to public safety, the hospital or facility shall immediately notify the secretary of social and health services or the secretary of corrections or their designees. The secretary shall order that the conditionally released person be apprehended and taken into custody.

(4) The court, upon receiving notification of the apprehension, shall promptly schedule a hearing. The issue to be determined is

whether the conditionally released person did or did not adhere to the terms and conditions of his or her release, or whether the person presents a threat to public safety. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or his or her conditional release shall be revoked and he or she shall be committed subject to release only in accordance with provisions of this chapter.

**Sec. 6.** RCW 10.77.200 and 2000 c 94 s 16 are each amended to read as follows:

(1) Upon application by the committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for release. In making this determination, the secretary may consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case. If the secretary approves the release he or she then shall authorize the person to petition the court.

(2) In instances in which persons have not made application for release, but the secretary believes, after consideration of the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case, that reasonable grounds exist for release, the secretary may petition the court. If the secretary petitions the court for release under this subsection, notice of the petition must be provided to the person who is the subject of the petition and to his or her attorney.

(3) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for release, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the prosecuting attorney's choice. If the petitioner is indigent, and the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner ~~((is developmentally disabled))~~ has a developmental disability, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner no longer presents, as a result of a mental disease or defect, a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

~~((3))~~ (4) For purposes of this section, a person affected by a mental disease or defect in a state of remission is considered to have a mental disease or defect requiring supervision when the disease may, with reasonable medical probability, occasionally become active and, when active, render the person a danger to others. Upon a finding that the petitioner has a mental disease or defect in a state of remission under this subsection, the court may deny release, or place or continue such a person on conditional release.

(5) Nothing contained in this chapter shall prohibit the patient from petitioning the court for release or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner, as a result of a mental disease or defect, is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(6) Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

**NEW SECTION. Sec. 7.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall review the costs of the operation of each of the following boards and the rates of recidivism and treatment outcomes for the populations under their jurisdiction as follows:

(a) The Oregon psychiatric security review board's administration of cases involving: (i) Persons judged to be guilty except for insanity; (ii) persons who would have been guilty of a felony or misdemeanor that caused or risked physical injury to another except for insanity; and (iii) persons affected by mental illness and determined to be a substantial danger to others; and

(b) The Virginia community services boards' administration of cases involving persons found not guilty by reason of insanity.

(2) The department shall report the results of its review to the appropriate committees of the legislature by December 15, 2010.

**NEW SECTION. Sec. 8.** A new section is added to chapter 10.77 RCW to read as follows:

For persons who have received court approval for conditional release, the secretary or the secretary's designee shall supervise the person's compliance with the court-ordered conditions of release. The level of supervision provided by the secretary shall correspond to the level of the person's public safety risk. In undertaking supervision of persons under this section, the secretary shall coordinate with any treatment providers designated pursuant to RCW 10.77.150(3), any department of corrections staff designated pursuant to RCW 10.77.150(2), and local law enforcement, if appropriate. The secretary shall adopt rules to implement this section."

Correct the title.

Representatives Dickerson and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1358) was adopted.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6610, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6610, as amended by the House, 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 SENATE BILL NO. 6610, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

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

HOUSE BILL NO. 3132  
 HOUSE BILL NO. 3178  
 HOUSE BILL NO. 3182  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5529  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5902  
 SENATE BILL NO. 6206  
 SUBSTITUTE SENATE BILL NO. 6207  
 SENATE BILL NO. 6209  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267  
 SENATE BILL NO. 6279  
 SENATE BILL NO. 6330  
 SUBSTITUTE SENATE BILL NO. 6341  
 SUBSTITUTE SENATE BILL NO. 6342  
 SUBSTITUTE SENATE BILL NO. 6350  
 SUBSTITUTE SENATE BILL NO. 6356  
 SUBSTITUTE SENATE BILL NO. 6373  
 SUBSTITUTE SENATE BILL NO. 6380  
 SENATE BILL NO. 6453  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6476  
 SUBSTITUTE SENATE BILL NO. 6485  
 SENATE BILL NO. 6487  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504  
 SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508  
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 SENATE BILL NO. 6555  
 SUBSTITUTE SENATE BILL NO. 6557  
 SUBSTITUTE SENATE BILL NO. 6558  
 SECOND SUBSTITUTE SENATE BILL NO. 6575  
 SUBSTITUTE SENATE BILL NO. 6577  
 SUBSTITUTE SENATE BILL NO. 6639  
 SUBSTITUTE SENATE BILL NO. 6649  
 SECOND SUBSTITUTE SENATE BILL NO. 6667  
 SECOND SUBSTITUTE SENATE BILL NO. 6679  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696  
 SECOND SUBSTITUTE SENATE BILL NO. 6702  
 SUBSTITUTE SENATE BILL NO. 6759  
 SECOND SUBSTITUTE SENATE BILL NO. 6760  
 SECOND SUBSTITUTE SENATE BILL NO. 6790  
 SUBSTITUTE SENATE BILL NO. 6816

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

There being no objection, the House adjourned until 10:00 a.m., March 3, 2010, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk



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6207-S		
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