

FIFTY NINTH LEGISLATURE - REGULAR SESSION**SIXTY FIRST DAY**

House Chamber, Olympia, Friday, March 11, 2005

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeffrey Eagleson and William Mentor. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Jeff Struecker, Second Ranger Battalion, Fort Lewis.

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

RESOLUTION

HOUSE RESOLUTION NO. 2005-4635, by Representatives Williams, Alexander, Hunt, DeBolt and Dickerson

WHEREAS, The city of Lacey, and the Thurston County community in general, has been improved by the inspired, compassionate, and philanthropical citizenship of Dorothy O'Loughlin; and

WHEREAS, The energy, integrity, and intelligence with which Dorothy O'Loughlin approaches her life and work provides inspiration to her community and a model for us all to follow; and

WHEREAS, Through 25 years of volunteer work with the Lacey branch of the Timberland Regional Library System, Dorothy O'Loughlin has provided invaluable service to the Lacey Library and to the community as a whole; and

WHEREAS, The Lacey area draws strength and motivation from the genuine compassion and incredible energy evident in the 25 years of service that Dorothy O'Loughlin has given to the residents of Thurston County; and

WHEREAS, At 94 years of age, Dorothy O'Loughlin continues to work without tire for those in need, carefully selecting and personally delivering books to homebound citizens, aiding hundreds of individuals every year; and

WHEREAS, In addition to her current efforts delivering books to the homebound, Dorothy O'Loughlin also serves as Liaison to the WA Talking Books and Braille Library; and

WHEREAS, In her position on the Lacey Library Board, Dorothy O'Loughlin leads with the vast wisdom and informed vision she has gained in her over sixty years of extraordinary service to the public; and

WHEREAS, While making exceptional contributions to the Lacey Timberland Library, Dorothy O'Loughlin has also volunteered with the Lacey Sunrise Lions, the Downtown YWCA, and Lakes Elementary School; and

WHEREAS, Dorothy O'Loughlin is known for her excellent home-baked chocolate cookies; and

WHEREAS, Thurston County and the State of Washington would be a far different and much inferior home to citizens without the efforts of Dorothy O'Loughlin;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington most genuinely and graciously thank Dorothy O'Loughlin for her service to the Thurston County Community and the State of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives of the State of Washington express our expectation and request for many more years of the invaluable service and leadership provided by Dorothy O'Loughlin; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dorothy O'Loughlin, her daughter, Christie O'Loughlin, and the Lacey Library Board.

Representative Williams moved the adoption of the resolution.

Representatives Williams and Hunt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4635 was adopted.

MESSAGE FROM THE SENATE

March 10, 2005

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5056,

SENATE BILL NO. 5352,

ENGROSSED SENATE BILL NO. 5417,

SUBSTITUTE SENATE BILL NO. 5471,

SENATE BILL NO. 5794,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5983, and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

SSB 5042 by Senate Committee on Judiciary (originally sponsored by Senator McCaslin)

AN ACT Relating to tolling the statute of limitations for felony sex offenses; and amending RCW 9A.04.080.

Referred to Committee on Criminal Justice & Corrections.

SSB 5065 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles and Keiser)

AN ACT Relating to injuries resulting from health care; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Judiciary.

ESB 5087 by Senators Kohl-Welles, Schmidt, Jacobsen, Keiser, Rockefeller, Franklin, Shin, Spanel, McAuliffe and Kline

AN ACT Relating to part-time faculty of community and technical colleges; amending RCW 28B.50.4892; and creating a new section.

Referred to Committee on Higher Education.

SSB 5204 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kastama, Sheldon, Rasmussen, Spanel, Hargrove and Shin)

AN ACT Relating to chattel liens; amending RCW 60.10.030 and 60.10.040; adding new sections to chapter 60.08 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 5232 by Senators Oke, Swecker and Jacobsen

AN ACT Relating to turkey tags; and amending RCW 77.32.460.

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 5242 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Doumit, Brandland, Hargrove, Pridemore, Kohl-Welles and Rasmussen)

AN ACT Relating to inmates of local correctional institutions possessing weapons; amending RCW 9.94.040; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SSB 5256 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens)

AN ACT Relating to misdemeanors and gross misdemeanors; amending RCW 9.94A.501, 9.92.060, 9.95.204, and 9.95.210; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 5266 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benson, Prentice and Benton)

AN ACT Relating to reserving state authority to regulate the customer transactions of financial service providers under the jurisdiction of the department of financial institutions; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SSB 5288 by Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Hargrove, Stevens, Regala, Thibaudeau and Carrell)

AN ACT Relating to juveniles in the custody of law enforcement officers; amending RCW 13.40.140; and adding new sections to chapter 13.40 RCW.

Referred to Committee on Juvenile Justice & Family Law.

ESSB 5308 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove and Oke)

AN ACT Relating to mandatory reporting of child abuse or neglect; and amending RCW 26.44.030.

Referred to Committee on Children & Family Services.

SSB 5309 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Benton and Kline)

AN ACT Relating to sexual misconduct with a minor; and amending RCW 9A.44.010, 9A.44.093, and 9A.44.096.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5426 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Carrell, Hargrove, Benson and Sheldon)

AN ACT Relating to decreasing truancy and dropouts; creating new sections; and providing an expiration date.

Referred to Committee on Education.

ESSB 5470 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Thibaudeau, Keiser, Kline, Poulsen, Berkey, Haugen, McAuliffe, Rockefeller, Shin and Kohl-Welles; by request of Governor Gregoire)

AN ACT Relating to importation of prescription drugs from Canadian, United Kingdom, Irish, and other nondomestic wholesalers; adding a new section to chapter 18.64 RCW; and creating new sections.

Referred to Committee on Health Care.

SSB 5488 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Schoesler)

AN ACT Relating to fruit and vegetable district fund; and amending RCW 15.17.243.

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 5502 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Delvin and Regala)

AN ACT Relating to juvenile sentencing alternatives; and amending RCW 13.40.167.

Referred to Committee on Juvenile Justice & Family Law.

SB 5563 by Senators Franklin, Schmidt, Oke, Rasmussen, Thibaudeau, Kohl-Welles, Pflug, Regala, Parlette, Pridemore, Hargrove, Fraser, Hewitt, Doumit, Spanel, Prentice, Stevens, McAuliffe, Mulliken, Haugen, Berkey, Swecker, Carrell, Fairley, Kline, Keiser, Kastama, Shin, Delvin, Roach, Poulsen, Sheldon, Eide, Johnson and Rockefeller

AN ACT Relating to recording the oral histories of women who contributed to their communities, the state, or the nation during World War II; amending RCW 28A.300.370; creating a new section; and providing an effective date.

Referred to Committee on Education.

SB 5582 by Senators Regala, Hargrove, Stevens, Carrell, Franklin, McAuliffe and Kohl-Welles

AN ACT Relating to the use of demographic factors in proceedings under chapter 71.09 RCW; amending RCW 71.09.090; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 5621 by Senators McAuliffe, Weinstein, Pridemore, Rockefeller, Kohl-Welles and Rasmussen

AN ACT Relating to preschool or nursery schools; adding new sections to chapter 28A.215 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

SB 5625 by Senators Kohl-Welles, Schoesler, Hewitt, Poulsen, McAuliffe and Delvin

AN ACT Relating to gender equity reporting; and amending RCW 28B.110.040.

Referred to Committee on Higher Education.

SSB 5643 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Kline and Brandland)

AN ACT Relating to community notification and release of sex offender information; amending RCW 72.09.345; reenacting and amending RCW 42.17.310 and 42.17.310; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government Operations & Accountability.

SSB 5666 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland, Delvin, Roach, Rasmussen and Kohl-Welles)

AN ACT Relating to information sharing in child dependency cases; amending RCW 13.34.350; and creating a new section.

Referred to Committee on Children & Family Services.

SSB 5672 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Jacobsen, Esser, Poulsen, Benson and Swecker)

AN ACT Relating to commercial parking businesses; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

SSB 5680 by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Zarelli, Prentice, Fraser, Fairley and Rasmussen; by request of Department of Social and Health Services)

AN ACT Relating to capital facilities at the Rainier school; amending RCW 72.01.140; creating a new section; and repealing RCW 28B.30.820 and 72.01.142.

Referred to Committee on Capital Budget.

SB 5707 by Senators Fraser, Eide, McAuliffe, Kohl-Welles, Keiser, Franklin, Kline, Haugen, Spanel and Rasmussen

AN ACT Relating to creating a women's history consortium; adding new sections to chapter 27.34 RCW; and creating new sections.

Referred to Committee on State Government Operations & Accountability.

ESSB 5719 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to the community commitment disposition alternative pilot program; amending RCW 13.40.169; providing an effective date; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

SSB 5752 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Prentice, Honeyford and Kohl-Welles)

AN ACT Relating to funeral directors and cemeteries; amending RCW 18.39.010, 18.39.020, 18.39.035, 18.39.045, 18.39.070, 18.39.100, 18.39.120, 18.39.130, 18.39.170, 18.39.173, 18.39.175, 18.39.181, 18.39.195, 18.39.215, 18.39.217, 18.39.220, 18.39.231, 18.39.250, 18.39.255, 18.39.345, 18.39.410, 18.39.800, 68.04.020, 68.04.030, 68.04.040, 68.04.070, 68.04.080, 68.04.100, 68.04.110, 68.04.120, 68.04.130, 68.04.160, 68.04.165, 68.04.170, 68.04.190, 68.04.210, 68.04.230, 68.04.240, 68.05.010, 68.05.030, 68.05.040, 68.05.050, 68.05.080, 68.05.090, 68.05.100, 68.05.105, 68.05.115, 68.05.150, 68.05.170, 68.05.173, 68.05.195, 68.05.210, 68.05.215, 68.05.225, 68.05.235, 68.05.240, 68.05.245, 68.05.254, 68.05.259, 68.05.285, 68.05.290, 68.05.330, 68.05.340, 68.20.061, 68.20.110, 68.24.010, 68.24.080, 68.24.090, 68.24.100,

68.24.110, 68.24.120, 68.24.130, 68.24.140, 68.24.150, 68.24.160, 68.24.170, 68.24.180, 68.24.190, 68.24.220, 68.28.010, 68.28.020, 68.28.030, 68.28.060, 68.32.010, 68.32.020, 68.32.030, 68.32.040, 68.32.050, 68.32.060, 68.32.070, 68.32.080, 68.32.090, 68.32.100, 68.32.110, 68.32.130, 68.32.140, 68.32.150, 68.32.160, 68.36.010, 68.36.020, 68.36.030, 68.36.040, 68.36.050, 68.40.010, 68.40.025, 68.40.060, 68.44.020, 68.44.070, 68.44.080, 68.44.090, 68.44.100, 68.44.110, 68.44.120, 68.44.130, 68.44.140, 68.44.150, 68.44.160, 68.46.010, 68.46.020, 68.46.030, 68.46.040, 68.46.050, 68.46.055, 68.46.060, 68.46.075, 68.46.080, 68.46.090, 68.46.100, 68.46.110, 68.50.110, 68.50.130, 68.50.140, 68.50.160, 68.50.170, 68.50.185, 68.50.200, 68.50.220, 68.50.230, 68.50.240, 68.50.270, 68.56.040, 68.60.030, 68.60.060, 70.58.005, 70.58.082, 70.58.160, 70.58.170, 70.58.180, 70.58.190, 70.58.230, 70.58.240, 70.58.260, and 70.58.390; reenacting and amending RCW 18.39.145 and 18.39.150; adding new sections to chapter 18.39 RCW; adding new sections to chapter 68.04 RCW; adding a new section to chapter 68.46 RCW; repealing RCW 18.39.148, 68.04.090, 68.04.180, 68.04.200, 68.04.220, 68.05.185, 68.20.090, 68.20.130, 68.24.175, 68.32.120, 68.36.090, 68.46.150, 68.50.135, 68.50.145, 68.50.150, 68.50.165, 68.50.180, 68.50.190, and 68.50.250; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5811 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Regala and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to encouraging the ethical transfer of technology for the economic benefit of the state; amending RCW 42.52.010, 42.52.030, 42.52.200, and 42.52.360; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government Operations & Accountability.

SSB 5914 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette and Jacobsen)

AN ACT Relating to the salmon recovery funding board; and reenacting and amending RCW 77.85.130.

Referred to Committee on Natural Resources, Ecology & Parks.

SB 5926 by Senators McAuliffe, Schmidt, Pridemore, Kohl-Welles, Rockefeller, Shin and Schoesler; by request of Committee on Advanced College Tuition Payment

AN ACT Relating to the advanced college tuition payment program; amending RCW 28B.95.020, 28B.95.030, 28B.95.090, 28B.95.110, and 6.15.010; and adding a new section to chapter 28B.95 RCW.

Referred to Committee on Higher Education.

SB 5974 by Senators Prentice, Hargrove and Haugen; by request of Lieutenant Governor

AN ACT Relating to drug use among pregnant women; amending RCW 70.96A.090; and creating a new section.

Referred to Committee on Children & Family Services.

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

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

SECOND READING

HOUSE BILL NO. 1252, By Representatives Quall, Curtis, Anderson, Talcott, Eickmeyer, Kirby, Haigh, DeBolt, Dunshee, McDonald, Morrell, Buri, Miloscia, Rodne, Lovick, O'Brien, Shabro, P. Sullivan, Wood, Sells, Chase, Ormsby and Kilmer

Providing for family and consumer science education.

The bill was read the second time.

Representative Quall moved that Substitute House Bill No. 1252 be substituted for House Bill No. 1252 and the substitute bill be placed on the second reading calendar. Representatives Quall and Curtis spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1252 was read the second time.

Representative Quall moved the adoption of amendment (205):

On page 1, beginning on line 15, after "school" strike everything through "the" on line 18 and insert ". The"

On page 1, beginning on line 18, after "directors" strike "chooses not to" and insert "may"

On page 2, line 2, after "instruction" strike "," and insert "or"

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Quall, Curtis, Schindler and Haigh spoke in favor of passage of the bill.

Representative Darneille spoke against the passage of the bill.

MOTION

On motion of Representative Santos, Representatives B. Sullivan and McIntire were excused. On motion of Representative Clements, Representatives DeBolt, Holmquist, McDonald and Woods were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1252.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1252 and the bill passed the House by the following vote: Yeas - 88, Nays - 4, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, and Mr. Speaker - 88.

Voting nay: Representatives Darneille, Kirby, Schual-Berke, and Williams - 4.

Excused: Representatives DeBolt, Holmquist, McDonald, McIntire, Sullivan, B., and Woods - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1794, By Representatives Kenney, Cox, Sommers, Fromhold, Priest, Sells, Moeller, Hasegawa, Conway, Ormsby, McCoy, Roberts, Kessler,

Darneille, O'Brien, Murray, Dickerson, Lantz, Williams, Chase, Hunter, Lovick, Dunshee, Kagi, Morrell, Haigh, McDermott, Wood and Hudgins)

Expanding access to baccalaureate degree programs.

The bill was read the second time.

Representative Sommers moved that Second Substitute Second Substitute House Bill No. 1794 be substituted for Second Substitute House Bill No. 1794 and the second substitute bill be placed on the second reading calendar. Representative Sommers spoke in favor of the motion. The motion was adopted.

SECOND SUBSTITUTE SECOND SUBSTITUTE HOUSE BILL NO. 1794 was read the second time.

Representative Conway moved the adoption of amendment (181):

On page 4, line 29, after "campus" strike "may" and insert "shall"

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kenney, Cox, Kessler, Darneille, Sommers, Priest, Fromhold, Orcutt, Wallace, Dunn, Conway, Jarrett, Morris and Linville spoke in favor of passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1794.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1794 and the bill passed the House by the following vote: Yeas - 80, Nays - 14, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Appleton, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt,

Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 80.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Clements, Condotta, Hinkle, Holmquist, Kretz, Schindler, Skinner, Strow and Sump - 14.

Excused: Representatives DeBolt, McDonald, McIntire and Woods - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2005

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5445,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5732,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5763,

ENGROSSED SENATE BILL NO. 5962,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2081, By Representatives Eickmeyer, McCoy, Chase, Appleton and Haigh

Creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs.

The bill was read the second time.

Representative Eickmeyer moved that Substitute House Bill No. 2081 be substituted for House Bill No. 2081 and the substitute bill be placed on the second reading calendar. Representative Eickmeyer spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2081 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.

MOTION

On motion of Representative Santos, Representative Hunt was excused.

Representatives Eickmeyer and McCoy, spoke in favor of passage of the bill.

Representatives Sump and Pearson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2081.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2081 and the bill passed the House by the following vote: Yeas - 56, Nays - 38, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Uptegrove, Wallace, Williams, Wood, and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, and Walsh - 38.

Excused: Representatives Hunt, McDonald, McIntire, and Woods - 4.

SUBSTITUTE HOUSE BILL NO. 2081, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2097, By Representatives Eickmeyer, Uptegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton

Establishing a management program for Hood Canal rehabilitation.

The bill was read the second time.

Representative Eickmeyer moved that Substitute House Bill No. 2097 be substituted for House Bill No. 2097 and the substitute bill be placed on the second reading calendar. Representative Eickmeyer spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2097 was read the second time.

Representative Eickmeyer moved the adoption of amendment (228):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance to Washington.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature recognizes that federal, state, tribal, and local governments and other organizations and entities are coordinating research, monitoring, and modeling efforts through the Hood Canal low-dissolved oxygen program. The legislature also recognizes that these entities and others are continuing individual efforts to study and identify potential solutions for Hood Canal's low-dissolved oxygen concentrations. The legislature also recognizes numerous public, private, and community organizations are working to provide public education regarding Hood Canal's low-dissolved oxygen concentrations. The legislature recognizes and encourages the continuation of these efforts.

(4) The legislature finds a need exists for the state to take additional action to address and resolve Hood Canal's low-dissolved oxygen concentrations. The legislature also finds a need exists to designate the state and local entities to develop, coordinate, and administer a Hood Canal rehabilitation program and funding.

NEW SECTION. Sec. 2. (1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound action team is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

NEW SECTION. Sec. 3. (1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to section 2 of this act. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum and other salmon as agreed to by the governor's salmon recovery office; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in section 2 of this act and when establishing funding criteria according to subsection (7) of this section, the Puget Sound action team and the local management board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives as nonvoting management board members or may appoint them to a technical advisory committee. The local management board also may appoint additional persons to a technical advisory committee as needed.

(3) The local management board and the Puget Sound action team shall participate in the development of the program authorized under section 2 of this act.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound action team may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound action team and the local management board shall jointly coordinate a process to determine the prioritization, approval, and funding of projects, studies, and activities for which the Puget Sound action team receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound action team shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to section 2 of this act to the appropriate committees of the legislature.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to chapter 90.-- RCW (the new chapter created in Substitute House Bill No. 2081).

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

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

Representative Pearson spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Eickmeyer spoke in favor of passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2097.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2097 and the bill passed the House by the following vote: Yeas - 58, Nays - 36, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, and Walsh - 36.

Excused: Representatives Hunt, McDonald, McIntire, and Woods - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2086, By Representatives McCoy, Eickmeyer, Chase, Wallace, Blake, Linville, Morrell, Upthegrove, Appleton and Hunt

Authorizing extension or expansion of sewage treatment systems in rural areas when necessary to address Hood Canal concerns.

The bill was read the second time.

Representative Eickmeyer moved that Substitute House Bill No. 2086 be substituted for House Bill No. 2086 and the substitute bill be placed on the second reading calendar. Representative Eickmeyer spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2086 was read the second time.

Representative Pearson moved the adoption of amendment (243):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance to Washington.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state Puget Sound action team and the Hood Canal coordinating council. The legislature recognizes this report identifies on-site sewage systems as a prime contributor of nitrogen, a nutrient linked to the low-dissolved oxygen concentrations in Hood Canal.

(3) The legislature recognizes the state's growth management act specifies in RCW 36.70A.110(4) that generally it is not appropriate to extend or expand urban governmental services, such as sewer systems, into rural areas. The legislature also recognizes that RCW 36.70A.110(4) contains an exception to this general rule in those limited circumstances shown to be necessary to protect basic public health and safety and the environment when the facilities are financially supportable at rural densities and do not permit urban development.

(4) The legislature recognizes the Washington supreme court in *Thurston County v. The Cooper Point Association*, 148 Wn.2d 1 (2002), approved a restrictive interpretation of the term "necessary" in the RCW 36.70A.110(4) exception to accomplish the legislature's intent in enacting these and other growth management act provisions. The court in the *Cooper Point* case also noted the existing sewage treatment plant and septic systems at issue in that case were not experiencing waste discharge problems that threaten public health and the environment. The legislature recognizes and affirms the RCW 36.70A.110(4) exception specifying that extension or expansion of urban governmental services, such as sewer systems, must be shown necessary to protect public health and the environment.

(5) The legislature finds that Hood Canal's low-dissolved oxygen concentrations and identification of failing septic systems as a prime contributor to the problem satisfy the necessity requirement in the RCW 36.70A.110(4) exception. The legislature intends to authorize limited extension or expansion of sewer systems in the Hood Canal area to address the problems associated with failing septic systems in the Hood Canal area.

(6) The legislature also intends to provide for an assessment of the efficacy of nitrogen reduction capabilities in existing and alternative on-site sewage treatment systems and an inventory of existing on-site sewage treatment systems in the Hood Canal vicinity to support development of sewage treatment solutions for this area.

Sec. 2. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

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

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

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

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

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

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

Extensions or expansions of sewer systems consistent with the requirements of section 3 of this act satisfy the requirements of this section.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

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

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

NEW SECTION. Sec. 3. Sewer systems may be extended to or expanded in rural areas within aquatic rehabilitation zone one according to the requirements of this section.

(1) Municipal sewer systems and community sewage collection and treatment facilities may be constructed in or extended to areas in which:

- (a) Clusters of high-density development are present;
- (b) Water quality problems associated with discharge of nutrients from on-site sewage treatment systems have been documented; and
- (c) The treatment efficiency of existing on-site sewage treatment systems is poor.

(2) Systems and facilities constructed in or extended into rural areas shall include nitrogen removal treatment capability when practicable.

(3) Consistent with the requirements of RCW 36.70A.110(4), any system or facility constructed or expanded to serve residences in rural areas of aquatic rehabilitation zone one shall be:

- (a) Financially supportable at rural densities; and
- (b) Conditioned to prohibit service of urban development.

NEW SECTION. Sec. 4. (1) The Puget Sound action team shall assess the effectiveness of nitrogen treatment provided by currently approved and alternative on-site sewage treatment technologies. The Puget Sound action team may consult with other federal, state, tribal, and local agencies in conducting this assessment. The Puget Sound action team shall submit a report documenting the findings of this assessment to the appropriate committees of the legislature by December 1, 2005.

(2) The Puget Sound action team, in consultation with local and state health agencies, shall conduct an inventory of on-site sewage systems operating in the Hood Canal watershed. The Puget Sound action team shall submit the inventory to the appropriate committees of the legislature by December 1, 2006.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 90.-- RCW (the new chapter created in Substitute House Bill No. 2081).

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

Correct the title.

Representatives Pearson, Buck, Hinkle and Sump spoke in favor of the adoption of the amendment.

Representatives Eickmeyer and McCoy spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (243) to Substitute House Bill No. 2086.

ROLL CALL

The Clerk called the roll on the adoption of amendment (243) to Substitute House Bill No. 2086, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 54, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn,

Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Walsh - 40.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

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

Representative McCoy spoke in favor of passage of the bill.

Representatives Pearson and Shabro spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2086.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2086 and the bill passed the House by the following vote: Yeas - 57, Nays - 37, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Walsh - 37.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

SUBSTITUTE HOUSE BILL NO. 2086, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2105, By Representatives Chase, DeBolt, Eickmeyer, Hinkle, Kessler, O'Brien, McCune, Ormsby, Hankins, Clements, Hasegawa, Ericks, Upthegrove, Moeller, Flannigan, Appleton, Hunt and McCoy

Including Hood Canal in the on-site sewage grant program.

The bill was read the second time.

Representative Chase moved the adoption of amendment (203):

On page 1, line 16, after "areas;" strike "and" and insert "or"

On page 2, line 12, after "(b)" strike all material through "counties" and insert "For grants provided in Mason, Jefferson, and Kitsap counties, the action team may use any:

(i) Funds appropriated by the legislature;

(ii) Federal funds received for this program; and

(iii) Funds generated from oyster reserve lands, as provided in RCW 77.60.160, that are located in Mason, Jefferson, and Kitsap counties"

On page 2, line 19, after "Identified as" strike ""areas of special concern" under WAC 246-272-01001" and insert "(^(b))areas of special concern(^(b)under WAC 246-272-01001)) in rules adopted by the department of health pursuant to chapter 70.118 RCW and RCW 43.20.050"

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Chase, Pearson and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2105.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2105 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements,

Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Armstrong, Chandler, Haler and Hankins - 5.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

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

HOUSE BILL NO. 1896, By Representatives Appleton, Eickmeyer, Chase and Haigh

Limiting geoduck harvest in parts of Hood Canal.

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1896 be substituted for House Bill No. 1896 and the second substitute bill be placed on the second reading calendar. Representative Sommers spoke in favor of the motion. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1896 was read the second time.

With the consent of the House, amendments (156) and (161) were withdrawn.

Representative Appleton moved the adoption of amendment (176):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.96 RCW to read as follows:

The department shall conduct a study to determine if changes to the geoduck populations in Hood Canal have occurred over time. The department's study shall compare prior population surveys with current surveys conducted as part of this study. The study shall incorporate geoduck beds representative of the northern, central, and southern areas of Hood Canal. No later than January 1, 2006, the department shall submit a report describing the study results to the appropriate committees of the legislature.

NEW SECTION. Sec. 2. A new section is added to chapter 79.96 RCW to read as follows:

The department shall conduct a study to assess the relationship between the Hood Canal's geoduck population levels and environmental conditions, including dissolved oxygen concentrations. To conduct this study, the department shall establish geoduck index stations near the department of ecology's Hood Canal water sampling stations. The index stations shall include stations representative of the northern, central, and southern areas of Hood Canal. No later than December 1, 2007, the department shall submit a report describing the study results to the appropriate committees of the legislature.

NEW SECTION. Sec. 3. A new section is added to chapter 79.96 RCW to read as follows:

The department shall conduct a study to establish an age profile and analyze the shell oxidation rate of Hood Canal geoduck. To conduct this study, the department shall establish sampling stations representative of the northern, central, and southern areas of Hood Canal. No later than December 1, 2007, the department shall submit a report describing the study results to the appropriate committees of the legislature.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act expire July 1, 2008."

Correct the title.

Representative Appleton moved adoption of amendment (198) to amendment (176):

On page 2, after line 7 of the amendment, insert the following: "**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

The question before the House, was adoption of amendment (176) as amended.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Appleton and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1896.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1896 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Haler, Serben and Walsh - 3.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1896, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1883, By Representatives McCoy, Pearson, Eickmeyer, Upthegrove and Haigh

Providing for collection of oral histories about Hood Canal.

The bill was read the second time.

Representative Eickmeyer moved that Substitute House Bill No. 1883 be substituted for House Bill No. 1883 and the substitute bill be placed on the second reading calendar. Representative Eickmeyer spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1883 was read the second time.

Representative McCoy moved the adoption of amendment (054):

On page 3, beginning on line 15, strike all of section 3

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

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1883.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1883 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

SUBSTITUTE HOUSE BILL NO. 1883, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1220, By Representatives Morrell, Schual-Berke, Cody, Simpson, Campbell, Williams, Chase, Kenney, O'Brien, Clibborn, Conway, Green, Kagi and Upthegrove; by request of Governor Gregoire

Establishing a joint legislative and executive task force on long-term care financing and chronic care management.

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1220 be substituted for House Bill No. 1220

and the second substitute bill be placed on the second reading calendar. Representative Sommers spoke in favor of the motion. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1220 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 Morrell and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1220.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1220 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1220, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1344, By Representatives P. Sullivan, Simpson and Dunn

Requiring information on fugitives to be posted on the internet.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1344 be substituted for House Bill No. 1344 and the substitute bill be placed on the second reading calendar. Representative Sommers spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1344 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 P. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1344.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1344 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, and Mr. Speaker - 94.

Excused: Representatives Hunt, McDonald, McIntire, and Woods - 4.

SUBSTITUTE HOUSE BILL NO. 1344, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1346, By Representatives Buck, B. Sullivan, Kretz, DeBolt, Blake, Eickmeyer and Takko

Improving the efficiency and predictability of the hydraulic project approval program.

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1346 be substituted for House Bill No. 1346 and the second substitute bill be placed on the second reading calendar. Representative Sommers spoke in favor of the motion. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1346 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 Buck and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1346.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1346 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1346, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1353, By Representatives Kenney, Morrell, Cody, Clibborn, Campbell, Williams, Conway and Santos

Providing for a central resource center for the nursing work force.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1353 be substituted for House Bill No. 1353 and the substitute bill be placed on the second reading calendar. Representative Sommers spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1353 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 Morrell and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1353.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1353 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 89.

Voting nay: Representatives Chandler, Curtis, Hinkle, Holmquist and Newhouse - 5.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

SUBSTITUTE HOUSE BILL NO. 1353, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1365, By Representatives Appleton, Bailey and Cody; by request of Department of Social and Health Services

Concerning home and community services' case management responsibilities.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1365 be substituted for House Bill No. 1365 and the substitute bill be placed on the second reading calendar. Representative Sommers spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1365 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 Appleton and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1365.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1365 and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Williams and Mr. Speaker - 78.

Voting nay: Representatives Armstrong, Clements, Condotta, Crouse, Dunn, Hinkle, Holmquist, Kristiansen, Newhouse, Ormsby, Pearson, Schindler, Serben, Skinner, Walsh and Wood - 16.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

SUBSTITUTE HOUSE BILL NO. 1365, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1386, By Representatives Takko, Haler, Haigh, Ericks, Hankins, McCoy and Chase

Increasing the surcharge for the preservation of historical documents.

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 Takko, Haler and Orcutt spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1386.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1386 and the bill passed the House by the following vote: Yeas - 57, Nays - 37, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Walsh - 37.

Excused: Representatives Hunt, McDonald, McIntire and Woods - 4.

HOUSE BILL NO. 1386, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1387, By Representatives Nixon, Flannigan, Dickerson, Shabro, Wood, Springer, Appleton, Murray, Hudgins, Upthegrove, Schual-Berke, Moeller, Campbell, Hunter, Kagi, Clibborn and Darneille

Providing investigative and corrective action procedures for state patrol officers involved in vehicle accidents.

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1387 be substituted for House Bill No. 1387 and the substitute bill be placed on the second reading calendar. Representative Murray spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1387 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 Nixon, Murray and Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1387.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1387 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald and McIntire - 3.

SUBSTITUTE HOUSE BILL NO. 1387, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1394, By Representatives Conway, Wood, Condotta and Kenney; by request of Department of Licensing

Creating the business and professions account.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1394 be substituted for House Bill No. 1394 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1394 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1394.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1394 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald and McIntire - 3.

SUBSTITUTE HOUSE BILL NO. 1394, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1460, By Representatives Green, Shabro, Flannigan, Talcott, Morrell and Lantz

Regulating county contracts for marine vessels.

The bill was read the second time.

Representative Wallace moved that Substitute House Bill No. 1460 be substituted for House Bill No. 1460 and the

substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1460 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 Green and Shabro spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1460.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1460 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald and McIntire - 3.

SUBSTITUTE HOUSE BILL NO. 1460, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1487, By Representatives Ormsby, Dunshee, Serben and Crouse

Concerning payment agreements.

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 Serben spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1487.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1487 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald, and McIntire - 3.

HOUSE BILL NO. 1487, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1502, By Representatives Takko and DeBolt

Modifying tax abatement provisions.

The bill was read the second time.

Representative Hunter moved that Substitute House Bill No. 1502 be substituted for House Bill No. 1502 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1502 was read the second time.

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

Representatives Takko and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1502.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1502 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald, and McIntire - 3.

SUBSTITUTE HOUSE BILL NO. 1502, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1533, By Representatives Appleton, Bailey, Cody, Morrell, Skinner, Hinkle, Curtis and Campbell; by request of Department of Health

Revising provisions for inspection of hospitals.

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 Appleton and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1533.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1533 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald and McIntire - 3.

HOUSE BILL NO. 1533, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1542, By Representatives Lantz, Hinkle, Appleton, Rodne, Lovick, Newhouse, Buri, Darneille, Williams, McDermott, Clibborn, Schual-Berke, O'Brien, McIntire, Kagi, Hasegawa, Dickerson, Green, Kenney and Kilmer

Providing indigent defense services.

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1542 be substituted for House Bill No. 1542 and the second substitute bill be placed on the second reading calendar. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1542 was read the second time.

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

Representatives Lantz, Hinkle and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1542.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1542 and the bill passed the House

by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald and McIntire - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1542, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1600, By Representatives Takko, Wallace and Woods; by request of County Road Administration Board

Revising county road project reporting.

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 Takko and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1600.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1600 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney,

Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald and McIntire - 3.

HOUSE BILL NO. 1600, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1605, By Representatives Upthegrove, Dickerson, Schual-Berke, Cody, McDermott, Hunter, B. Sullivan, Simpson, Morrell, Murray, Chase, Roberts, Kenney and Santos

Protecting children from area-wide soil contamination.

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1605 be substituted for House Bill No. 1605 and the second substitute bill be placed on the second reading calendar. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1605 was read the second time.

Representative Upthegrove moved the adoption of amendment (238):

Strike everything after the enacting clause and insert the following:

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

(1) "Area-wide soil contamination" means low to moderate arsenic and lead soil contamination dispersed over a large geographic area.

(2) "Child care facility" means a child day-care center or a family day-care provider as those terms are defined under RCW 74.15.020 except for family day-care providers on properties in agricultural areas.

(3) "Child use prioritization area" means an area west of the crest of the Cascade mountains, except for agricultural lands, in which the department has determined a potential exists for a child to be routinely exposed to area-wide soil contamination.

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

(5) "Director" means the director of the department of ecology.

(6) "Low to moderate soil contamination" means low level arsenic or lead concentrations where a child's exposure to soil contamination at a school or a child care facility may be reduced through best management practices.

(7) "Property-specific public health plan" means measures developed by the department for a school or a child care facility including individual protective measures, site-specific mitigation, and other remedial actions to protect public health on sites containing area-wide soil contamination.

(8) "School" means a public or private kindergarten, elementary, or secondary school.

NEW SECTION. Sec. 2. (1) The department, in cooperation with the department of social and health services, the department of health, the office of the superintendent of public instruction, and local health districts, shall assist schools and child care facilities within child use prioritization areas to reduce the potential for children's exposure to area-wide soil contamination.

(2) The department shall:

(a) Define child use prioritization areas west of the crest of the Cascade mountains based on available information;

(b) Conduct qualitative evaluations to determine the potential for children's exposure to area-wide soil contamination by December 31, 2006;

(c) If the qualitative evaluation determines that children may be routinely exposed to area-wide soil contamination at a property, conduct soil samples at that property by December 31, 2008; and

(d) If soil sample results confirm the presence of area-wide soil contamination, notify schools and child care facilities regarding the test results and the steps necessary for implementing a property-specific public health plan.

(3) If a school or a child care facility with area-wide soil contamination does not implement a property-specific public health plan within six months of receiving written notification from the department, the superintendent or board of directors of a school or the owner or operator of a child care facility must notify parents and guardians in writing of the results of soil tests. The written notice shall be prepared by the department.

(4) The department shall recognize schools and child care facilities that successfully implement property-specific public health plans with a voluntary certification program demonstrating the facility has successfully completed measures to help provide a healthy environment for children.

(5) Schools and child care facilities must work with the department to provide the department with site access for soil sampling at times that are the most convenient for all parties.

NEW SECTION. Sec. 3. (1) The department shall assist schools and owners and operators of child care facilities in area-wide soil contamination zones. Such assistance may include the following:

(a) Technical assistance in conducting qualitative evaluations to determine where area-wide soil contamination exposures could occur;

(b) Technical and financial assistance in testing soils where evaluations indicate potential for contamination; and

(c) Technical and financial assistance to implement property-specific public health plans.

(2) The department shall develop best management practice guidelines for schools and day care facilities with area-wide soil contamination. The guidelines shall recommend a range of methods for reducing exposure to contaminated soil, considering the concentration, extent, and location of contamination and the nature and frequency of child use of the area.

(3) The department shall develop a grant program to assist schools and child care facilities with implementing property-specific public health plans.

(4) The department, within available funds, may provide grants to schools and child care facilities for the purpose of implementing property-specific public health plans using best management practices.

(5) The department, within available funds, may provide financial assistance to the department of health and the department of social and health services to implement this chapter.

(6) The department may, through an interagency agreement, authorize a local health jurisdiction to administer any activity in this chapter that is otherwise not assigned to a local health jurisdiction by this chapter.

NEW SECTION. Sec. 4. The department of health shall assist the department in developing and implementing the area-wide soil contamination school and child care facility program including but not limited to developing best management practices and guidelines for property-specific public health plans.

NEW SECTION. Sec. 5. The department of social and health services shall assist the department by providing information on the location of child care facilities and contacts for these facilities.

NEW SECTION. Sec. 6. This chapter does not apply to agricultural lands.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Upthegrove and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1605.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1605 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Hunt, McDonald and McIntire - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1635, By Representatives Kessler, Haler, Clibborn, Jarrett, O'Brien, Hankins, Ericks, Grant, Buck, Chase and Kenney

Authorizing local government funding of ambulance and emergency services.

The bill was read the second time.

Representative Simpson moved that Substitute House Bill No. 1635 be substituted for House Bill No. 1635 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1635 was read the second time.

With the consent of the House, amendments (130), (131) and (132) were withdrawn.

Representative Simpson moved the adoption of amendment (252):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that ambulance and emergency medical services are essential services and the availability of these services is vital to preserving and promoting the health, safety, and welfare of people in local communities throughout the state. All persons, businesses, and industries benefit from the availability of ambulance and emergency medical services, and survival rates can be increased when these services are available, adequately funded, and appropriately regulated. It is the legislature's

intent to explicitly recognize local jurisdictions' ability and authority to collect utility service charges to fund ambulance and emergency medical service systems that are based, at least in some part, upon a charge for the availability of these services.

Sec. 2. RCW 35.21.766 and 2004 c 129 s 34 are each amended to read as follows:

(1) Whenever a regional fire protection service authority ((~~or the legislative authority of any city or town~~) determines that the fire protection jurisdictions that are members of the authority ((~~or the city or town or a substantial portion of the city or town is~~)) are not adequately served by existing private ambulance service, the governing board of the authority may by resolution((~~or the legislative authority of the city or town may by appropriate legislation~~)) provide for the establishment of a system of ambulance service to be operated by the authority as a public utility ((~~of the city or town, or~~)) operated by contract after a call for bids.

(2) The legislative authority of any city or town may establish an ambulance service to be operated as a public utility. However, the legislative authority of the city or town shall not provide for the establishment of an ambulance service utility that would compete with any existing private ambulance service, unless the legislative authority of the city or town determines that the city or town, or a substantial portion of the city or town, is not adequately served by an existing private ambulance service. In determining the adequacy of an existing private ambulance service, the legislative authority of the city or town shall take into consideration objective generally accepted medical standards and reasonable levels of service which shall be published by the city or town legislative authority. When it is preliminarily concluded that the private ambulance service is inadequate, before issuing a call for bids or before the city or town establishes an ambulance service utility, the legislative authority of the city or town shall allow a minimum of sixty days for the private ambulance service to meet the generally accepted medical standards and reasonable levels of service.

(3) The city or town legislative authority is authorized to set and collect rates and charges in an amount sufficient to regulate, operate, and maintain an ambulance utility. Prior to setting such rates and charges, the legislative authority must determine, through a cost-of-service study, the total cost necessary to regulate, operate, and maintain the ambulance utility. Total costs shall not include capital cost for the construction, major renovation, or major repair of the physical plant. For purposes of establishing and setting rates and charges under this section, costs shall be reduced by any revenues collected and described in subsection (5)(a) through (c) of this section. Once the legislative authority determines the total costs, the legislative authority shall then identify that portion of the total costs that are attributable to the availability of the ambulance service and that portion of the total costs that are attributable to the demand placed on the ambulance utility.

(a) Availability costs are those costs attributable to the basic infrastructure needed to respond to a single call for service within the utility's response criteria. Availability costs may include costs for dispatch, labor, training of personnel, equipment, patient care supplies, and maintenance of equipment.

(b) Demand costs are those costs that are attributable to the burden placed on the ambulance service by individual calls for ambulance service. Demand costs shall include costs related to frequency of calls, distances from hospitals, and other factors identified in the cost-of-service study conducted to assess burdens imposed on the ambulance utility.

(c) Beginning on the effective date of this act, the rate attributable to costs for availability described under (a) of this subsection shall be uniformly applied across user classifications within the utility.

(d) Beginning on the effective date of this act, the rate attributable to costs for demand, described under (b) of this subsection, shall be established and billed to each utility user classification based on each user classification's burden on the ambulance utility.

(e) The fee charged by the utility shall reflect a combination of the availability cost and the demand cost.

(4) The combined rates charged shall reflect an exemption for persons who are medicaid eligible and reside in a nursing facility, boarding home, or adult family home, and shall reflect an exemption or reduction for designated classes consistent with Article VIII, section 7 of the state Constitution. The amounts of exemption or reduction shall be a general expense of the utility, and designated as an availability cost, to be spread uniformly across the utility user classifications.

(5) In each city or town operating an ambulance utility pursuant to this section:

(a) The legislative authority must continue to allocate at least ninety percent of the total amount of general fund revenues expended, as of May 6, 2004, toward the total costs necessary to regulate, operate, and maintain the ambulance utility.

However, cities or towns that operated an ambulance service as a public utility as of May 6, 2004, and commingled general fund dollars and ambulance service utility dollars, may reasonably estimate that portion of general fund dollars that were, as of that date, applied toward the operation of the ambulance service utility, and at least ninety percent of such estimated amount must then continue to be applied toward the total cost necessary to regulate, operate, and maintain the ambulance utility.

(b) The legislative authority must allocate available emergency medical service levy funds towards the total costs necessary to regulate, operate, and maintain the ambulance utility.

(c) The legislative authority must allocate all revenues received through direct billing to the individual user of the ambulance service to the demand-related costs under subsection (3)(b) of this section.

(d) The total revenue generated by the rates and charges shall not exceed the total costs necessary to regulate, operate, and maintain an ambulance utility.

(e) Revenues generated by the rates and charges must be deposited in a separate fund or funds and be used only for the purpose of paying for the cost of regulating, maintaining, and operating the ambulance utility.

(6) Ambulance service rates charged pursuant to this section do not constitute taxes or charges under RCW 82.02.050 through 82.02.090, or RCW 35.21.768, or charges otherwise prohibited by law."

Correct the title.

Representative Schindler moved the adoption of amendment (269) to (252):

On page 2, line 16 of the amendment, after "authority" insert ", subject to a majority vote of the people at a primary or general election."

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

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

The amendment to the amendment was not adopted.

Representative Schindler moved the adoption of amendment (270) to (252):

On page 4, after line 15 of the amendment, insert the following: "(7) The only cities and towns authorized to exercise the authority to set and collect rates and charges as provided in this section are: Aberdeen, Bothell, Bridgeport, Ellensburg, Hoquiam, Kennewick, Mercer Island, Montesano, Pasco, Port Angeles, Richland, and Sunnyside."

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

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

The amendment to the amendment was not adopted.

Representatives Simpson and Schindler spoke in favor of the adoption of amendment (252).

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kessler, Haler, Armstrong and Schindler spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representatives Cody and Eickmeyer were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1635.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1635 and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler,

Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Nixon, Rodne and Sommers - 4.

Excused: Representatives Cody, Eickmeyer, McDonald and McIntire - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1290, By Representatives Cody, Bailey, Schual-Berke, Campbell, Morrell, Hinkle, Green, Appleton, Moeller, Haigh, Linville, Kenney, Wood and Santos

Modifying community mental health services provisions.

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1290 be substituted for House Bill No. 1290 and the second substitute bill be placed on the second reading calendar. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1290 was read the second time.

Representative Green moved the adoption of amendment (232):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are each reenacted and amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through ~~((programs))~~ resilience and recovery-based programs, including recognized evidence-based practices, which provide for:

(1) Access to a package of mental health services that is consistent across the state for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons.

Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental illness, consumer and advocate participation in mental health services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

~~((3))~~ (4) Minimum service delivery standards;

~~((4))~~ (5) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

~~((5))~~ (6) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, ~~(county authorities)~~ regional support networks, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

~~((6))~~ (7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of ~~(county-based and county-managed)~~ regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, ~~((counties are encouraged to enter into joint operating agreements with other counties to form))~~ regional systems of care ~~((which))~~ will integrate planning, administration, and service delivery duties ~~((assigned to counties))~~ under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs (~~under RCW 71.24.045~~), federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)~~((e))~~ (d).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling,

psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Evidence-based practices" means services for people with severe mental illness that have demonstrated positive outcomes in multiple research studies.

(11) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((11))~~ (12) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((12))~~ (13) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((17))~~ (20), and ~~((18))~~ (21) of this section.

~~((13))~~ (14) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary ~~((that enter into joint operating agreements to contract with the secretary pursuant to this chapter))~~ through a department procurement process.

~~((14))~~ (15) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((15))~~ (16) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(17) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(18) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental

health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((16))~~ (19) "Secretary" means the secretary of social and health services.

~~((17))~~ (20) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((18))~~ (21) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((19))~~ (22) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (23) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship

with any regional support network that would present a conflict of interest.

Sec. 3. RCW 71.24.030 and 2001 c 323 s 9 are each amended to read as follows:

The secretary is authorized to make grants ~~((to))~~ and/or purchase services ~~((from counties or combinations of counties in the establishment and operation of))~~ to establish and operate community mental health programs.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

The department of social and health services shall establish no fewer than eight regional support networks under this chapter. No entity shall be responsible for more than three regional support networks under the procurement process established under RCW 71.24.035.

Sec. 5. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the ~~((county authority if a county fails))~~ regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates ~~((county))~~ regional biennial needs assessments and ~~((county))~~ regional mental health service plans and state services for mentally ill adults and children. The secretary ~~((may))~~ shall also develop a six-year state mental health plan;

(b) Assure that any regional ~~((or county))~~ community mental health program provides access to treatment for the ~~((county's))~~ region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) ~~((Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment))~~ Intensive rehabilitative day support services that provide a range of integrated and varied life skills training which may include health, hygiene, nutritional issues, money management, maintaining living arrangements, and symptom management, to promote improved functioning or a restoration to a previous higher level of functioning. In the case of a child, day supports include age-appropriate basic living and social skills, educational and prevocational services, day

activities, and therapeutic treatment including school-based programming;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work~~((Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services));~~

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules.

The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, using a standard procurement process consistent with state minimum standards, which shall be used in contracting with regional support networks ~~((or counties))~~. The standard contract shall include a maximum fund balance, which shall ~~((not exceed ten percent))~~ be consistent with that required by federal regulations or waiver stipulations.

(i) The standardized procurement process shall encourage the preservation of infrastructure previously purchased by the community mental service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. County, provider, and consumer/advocate-based organizations should be given the opportunity to compete. The procurement shall provide that public funds shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under section 7 of the federal labor relations act.

(ii) The secretary shall seek input from stakeholders in the development of the procurement;

(f) Ensure a regional support network shall not exceed an administrative cost of ten percent of available funds;

(g) Ensure that contracts between an entity serving as a regional support network and a subcontractor are subject to approval by the department;

(h) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of ~~((county authorities))~~ regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

~~((g))~~ (i) Develop and maintain an information system to be used by the state~~((counties;))~~ and regional support networks that includes a tracking method which allows the department and regional

support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440(~~—The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 5 of this act~~);

~~((h))~~ (i) License service providers who meet state minimum standards;

~~((i))~~ (k) Certify regional support networks that meet state minimum standards;

~~((j))~~ (l) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

~~((k))~~ (m) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

~~((l))~~ (n) Monitor and audit ~~((counties,))~~ regional support networks~~(s;))~~ and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; ~~(and~~

~~(m))~~ (o) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(p) Assure the availability of an appropriate, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, amount of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for ~~((regional support networks))~~ the community mental health service delivery system, consistent with the priorities for both client populations and the services to be provided as defined in this chapter.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects ~~((county))~~ regional needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on ~~((counties))~~ regions of demographic factors ~~((in counties))~~ which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each ~~((county))~~ region, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to ~~((the nonparticipating counties))~~ regional support networks under chapters 71.05, 71.34, and 71.24 RCW(~~—Such responsibilities shall include those which would have been assigned to the nonparticipating counties under~~) in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

~~(c) ((Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.~~

~~—(d)) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.~~

~~((e)) (d) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.~~

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 6. RCW 71.24.045 and 2001 c 323 s 12 are each amended to read as follows:

The ~~((county authority))~~ regional support network shall:

(1) Contract as needed with licensed service providers. The ~~((county authority))~~ regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the ~~((county authority))~~ regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a ~~((county))~~ regional support network provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the ~~((county))~~ regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

~~(6) ((Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;~~

~~—(7)) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.~~

Sec. 7. RCW 71.24.100 and 1982 c 204 s 7 are each amended to read as follows:

A county authority or a group of county authorities may enter into a joint operating agreement to form a regional support network. Any agreement between two or more county authorities for the establishment of a ~~((community mental health program))~~ regional support network shall provide:

(1) That each county shall bear a share of the cost of mental health services; and

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he is treasurer.

Sec. 8. RCW 71.24.240 and 1982 c 204 s 13 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any ~~((county or counties))~~ regional support network seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 9. RCW 71.24.300 and 2001 c 323 s 17 are each amended to read as follows:

~~((A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network.))~~ Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary. If a regional support network is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) ~~((Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7)).~~

~~—(e))~~ Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

~~((f))~~ (c) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

~~((g))~~ (d) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((h))~~ (e) Administer and provide for the availability of all other mental health services, which shall include patient counseling, ~~((day treatment))~~ intensive rehabilitative day support, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children ~~((as provided in this chapter designed to achieve the outcomes specified in section 5 of this act)).~~

~~((i))~~ (f) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) ~~((Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.~~

~~—(3))~~ A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

~~((4))~~ (3) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board

feedback to the department regarding regional support network performance. The composition of the board shall be ((broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network)) established by the department and shall include, but not be limited to, representatives of consumers and families, county elected officials, and law enforcement.

~~((5))~~ (4) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

~~((6))~~ ~~Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).~~

~~—(7))~~ (5) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

Sec. 10. RCW 71.24.420 and 2001 c 323 s 2 are each amended to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

~~((The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in section 5 of this act.~~

~~—(3) The department shall implement strategies that accomplish the outcome measures identified in section 5 of this act that are within the funding constraints in this section.~~

~~—(4))~~ The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

NEW SECTION. Sec. 11. A new section is added to chapter 71.24 RCW to read as follows:

In the event the legislature appropriates funds to serve the nonmedicaid population, the legislature shall specify in the omnibus operating appropriations act the amount of state general fund moneys that shall be used for the priority populations as defined in RCW 71.24.035(5)(b) and the services that shall be available through the community mental health service delivery system to serve them.

NEW SECTION. Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with the Washington association of sheriffs and police chiefs and regional support networks, shall establish procedures for coordination between

department field offices and local jails that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance or medical care services while confined or upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance or medical care services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance or medical care services identity cards to persons eligible for medical assistance or medical care services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits.

(3) In determining disability or incapacity status for medical assistance or medical care services eligibility, the department shall accept disability or incapacity evaluations by a physician or other health professional permitted under federal or state law that are completed while the person is still confined.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on the effective date of this section.

NEW SECTION. Sec. 13. (1) A joint legislative and executive task force on mental health services delivery and financing is created. The joint task force shall consist of eight members, as follows: The secretary of the department of social and health services or his or her designee; the president of the Washington state association of counties or his or her designee; a representative from the governor's office; two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; and the chair of the joint legislative audit and review committee or his or her designee. Staff support for the joint task force shall be provided by the office of financial management, the house of representatives office of program research, and senate committee services.

(2) The joint task force may create advisory committees to assist the joint task force in its work.

(3) Joint task force members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW, as appropriate. Advisory committee members, if appointed, shall not receive compensation or reimbursement for travel or expenses.

(4) The joint task force shall oversee and make recommendations related to:

(a) The reorganization of the mental health administrative structure within the department of social and health services;

(b) The standard procurement process established by section 4 of this act, including a preprocurement request for information to identify organizations qualified to be designated a regional support network;

(c) The establishment of regional support networks through the standard procurement process;

(d) Serving the needs of nonmedicaid consumers for the priority populations under chapter 71.24 RCW; and

(e) The types, numbers, and locations of inpatient psychiatric hospital and community residential beds needed to serve persons with a mental illness.

(5) The joint task force shall report its initial findings and recommendations to the governor and appropriate committees of the legislature by January 1, 2006, and its final findings and recommendations by June 30, 2007.

(6) This section expires June 30, 2007.

Sec. 14. RCW 71.05.020 and 2000 c 94 s 1 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) (~~"County designated mental health professional" means a mental health professional appointed by the county to perform the duties specified in this chapter;~~

~~—(7))~~ "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

~~((8))~~ (7) "Department" means the department of social and health services;

(8) "Designated mental health professional" means a mental health professional certified by the department per rules adopted by the secretary and employed by or contracted with a regional support network established under chapter 71.24 RCW;

(9) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(10) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(11) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(12) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(13) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons

suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(14) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(15) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;

(16) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(18) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(19) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts;

(20) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(21) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(22) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(23) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(24) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(25) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(26) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(27) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(28) "Release" means legal termination of the commitment under the provisions of this chapter;

(29) "Resource management services" has the meaning given in chapter 71.24 RCW;

(30) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(31) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 15. (1) The department of social and health services shall enter into an annual contract with regional support networks for the fiscal year ending June 30, 2006. The department shall issue a request for proposal to establish new regional support networks under RCW 71.24.035 to be effective July 1, 2006.

(2) This section expires June 30, 2007.

NEW SECTION. Sec. 16. The code reviser shall replace all references to "county designated mental health professional" with "designated mental health professional" in the Revised Code of Washington.

NEW SECTION. Sec. 17. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

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

Representative Linville spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1290.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1290 and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Armstrong, Blake, Condotta, Ericksen, Kretz, Linville, Morris, Quall, Sump and Takko - 10.

Excused: Representatives Cody, Eickmeyer, McDonald and McIntire - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1290, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1696, By Representatives Blake, Buck, Takko, Holmquist, McCune, Condotta, Hinkle and B. Sullivan

Increasing penalties for the violation of certain fish and wildlife provisions.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1696 be substituted for House Bill No. 1696 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1696 was read the second time.

Representative Sump moved the adoption of amendment (223):

Beginning on page 5, line 18, strike all of section 5 and insert the following:

"Sec. 5. RCW 77.15.420 and 1998 c 190 s 62 are each amended to read as follows:

(1) If a person is convicted of violating RCW 77.15.410 and that violation results in the death of wildlife listed in this section, the court shall require payment of the following amounts for each animal killed or possessed. This shall be a criminal wildlife penalty assessment that shall be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the ~~((public safety and education account))~~ fish and wildlife enforcement reward account created in section 1 of this act.

- (a) Moose, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission, except for mountain caribou and grizzly bear as listed under (d) of this subsection \$4,000
- (b) Elk, deer, black bear, and cougar \$2,000
- (c) Trophy animal elk and deer \$6,000
- (d) Mountain caribou, grizzly bear, and trophy animal mountain sheep \$12,000

(2) No forfeiture of bail may be less than the amount of the bail established for hunting during closed season plus the amount of the criminal wildlife penalty assessment in subsection (1) of this section.

(3) For the purpose of this section a "trophy animal" is:

(a) A buck deer with four or more antler points on both sides, not including eyeguards;

(b) A bull elk with five or more antler points on both sides, not including eyeguards; or

(c) A mountain sheep with a horn curl of three-quarter curl or greater.

For purposes of this subsection, "eyeguard" means an antler protrusion on the main beam of the antler closest to the eye of the animal.

(4) If two or more persons are convicted of illegally possessing wildlife in subsection (1) of this section, the criminal wildlife penalty assessment shall be imposed on them jointly and separately.

(5) The criminal wildlife penalty assessment shall be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this title. The criminal wildlife penalty assessment shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. This section may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) A person assessed a criminal wildlife penalty assessment under this section shall have his or her hunting license revoked and all hunting privileges suspended until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (1) of this section shall be doubled in the following instances:

(a) When a person is convicted of spotlighting big game under RCW 77.15.450;

(b) When a person has a previous conviction of a misdemeanor, gross misdemeanor, or a felony violation under this title;

(c) When the person killed the animal in question with the intent of bartering, selling, or otherwise deriving economic profit from the animal or the animal's parts; or

(d) When a person kills the animal under the supervision of a licensed guide."

On page 7, after line 24, insert the following:

"(4) A person convicted under this section shall be assessed a criminal wildlife penalty assessment as provided in RCW 77.15.420."

Representatives Sump and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Blake and Buck spoke in favor of passage of the bill.

On motion of Representative Clements, Representative Schindler was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1696.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1696 and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Appleton, Cox and Walsh - 3.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1648, By Representatives B. Sullivan, Appleton, Orcutt, Lovick, Campbell, Strow and Hinkle

Increasing the penalty for intercepting, recording, or divulging private communications in executive sessions.

The bill was read the second time.

Representative Fromhold moved that Substitute House Bill No. 1648 be substituted for House Bill No. 1648 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1648 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 B. Sullivan and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1648.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1648 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representative Hunter - 1.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1648, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1690, By Representatives Cody and Moeller

Regarding the applicability of certain taxes and assessments to state funded health care services.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1690.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1690 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

HOUSE BILL NO. 1690, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1703, By Representatives Jarrett and Sells

Exempting fare cards from the unclaimed property act.

The bill was read the second time.

Representative Hunter moved that Substitute House Bill No. 1703 be substituted for House Bill No. 1703 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1703 was read the second time.

Representative Jarrett moved the adoption of amendment (256):

On page 4, line 20, after "RCW," insert "a public mass transportation system authorized by chapter 47.60 RCW,"

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

The amendment was adopted. The bill was ordered engrossed.

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

Representative Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1703.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1703 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1711, By Representatives Wallace, Woods, Simpson, Morrell, Lovick, Flannigan, Chase, Moeller and Kilmer

Revising marking requirement parking places for persons with disabilities.

The bill was read the second time.

Representative Wallace moved that Substitute House Bill No. 1711 be substituted for House Bill No. 1711 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1711 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 Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1711.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1711 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1711, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1742, By Representatives Clibborn, Haler, Appleton, Ericks, Simpson, Kristiansen, Linville, Schindler and Quall

Providing tax incentives for certain multiple-unit dwellings in urban centers.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1742.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1742 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

HOUSE BILL NO. 1742, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1798, By Representatives Simpson, Skinner, Lovick, Armstrong, B. Sullivan, Schindler, Upthegrove, Murray and Hudgins

Recovering costs for motorist information signs.

The bill was read the second time.

Representative Wallace moved that Substitute House Bill No. 1798 be substituted for House Bill No. 1798 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1798 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 Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1798.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1798 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1798, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1817, By Representatives B. Sullivan, Ericks, Hinkle, Simpson, Buck, Murray, Hankins, Williams, Haigh and McDermott

Improving recycling.

The bill was read the second time.

Representative B. Sullivan moved that Substitute House Bill No. 1817 be substituted for House Bill No. 1817 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1817 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 B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1817.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1817 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1817, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1854, By Representatives Lantz, Priest, Haler, Walsh and Williams

Changing procedures on the withholding of the driving privilege.

The bill was read the second time.

Representative Fromhold moved that Substitute House Bill No. 1854 be substituted for House Bill No. 1854 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1854 was read the second time.

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

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1854.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1854 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1854, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1951, By Representatives Quall, Talcott, Haler, Morrell, Campbell, O'Brien, Hankins, Kagi and McDermott

Regarding vision exams for school-aged children.

The bill was read the second time.

Representative Quall moved that Substitute House Bill No. 1951 be substituted for House Bill No. 1951 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1951 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1951.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1951 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh,

Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire, and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1951, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1975, By Representatives Springer, Tom, B. Sullivan, O'Brien, Cody, Kagi, Blake, Orcutt, McIntire, Nixon, Hinkle, Condotta, Haigh and Kenney

Providing excise tax relief for trail maintenance and construction services performed by nonprofit organizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1975 was substituted for House Bill No. 1975 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1975 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 Springer and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1975.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1975 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz,

Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire, and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1975, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1998, By Representatives P. Sullivan and Santos

Creating the apple award program.

The bill was read the second time.

Representative Dunshee moved the adoption of amendment (082)

On page 2, beginning at line 5, strike all of section 2

Correct the title

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives P. Sullivan and Holmquist spoke in favor of passage of the bill.

Representative Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1998.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1998 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee,

Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

ENGROSSED HOUSE BILL NO. 1998, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2085, By Representatives Simpson, Hankins, Murray, Haler, Morris, Ormsby, B. Sullivan, Dickerson, Chase, Wood and Ericks

Regarding the cleanup of waste tires.

The bill was read the second time.

Representative Wallace moved that Substitute House Bill No. 2085 be substituted for House Bill No. 2085 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2085 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2085.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2085 and the bill passed the House by the following vote: Yeas - 76, Nays - 17, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Buck, Campbell, Chase, Clements, Clibborn, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia,

Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Armstrong, Buri, Chandler, Condotta, Cox, Dunn, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Serben and Sump - 17.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 2085, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2126, By Representatives Lantz, Kenney, Kessler, Rodne, Linville, Hankins, Grant, Takko, Newhouse, Williams, Flannigan, Sells, Ormsby, Chase and Serben

Providing accommodations to dependent persons who are victims and witnesses.

The bill was read the second time.

Representative Lantz moved that Substitute House Bill No. 2126 be substituted for House Bill No. 2126 and the substitute bill be placed on the second reading calendar. The motion was adopted.

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

Representative Lantz moved the adoption of amendment (235):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that it is important that dependent persons who are witnesses and victims of crime cooperate with law enforcement and prosecutorial agencies and that their assistance contributes to state and local enforcement efforts and the general effectiveness of the criminal justice system. The legislature finds that the state has an interest in making it possible for courts to adequately and fairly conduct cases involving dependent persons who are victims of crimes. Therefore, it is the intent of the legislature, by means of this chapter, to insure that all dependent persons who are victims and witnesses of crime are treated with sensitivity, courtesy, and special care and that their rights be protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded to other victims, witnesses, and criminal defendants.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Dependent person" has the same meaning as that term is defined in RCW 9A.42.010.

(3) "Victim" means a living person against whom a crime has been committed.

(4) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution or defense in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness, whether or not an action or proceeding has been commenced.

(5) "Family member" means a person who is not accused of a crime and who is an adult child, adult sibling, spouse, parent, or legal guardian of the dependent person.

(6) "Advocate" means any person not accused of a crime, including a family member, approved by the witness or victim, in consultation with his or her guardian if applicable, who provides support to a dependent person during any legal proceeding.

(7) "Court proceedings" means any court proceeding conducted during the course of the prosecution of a crime committed against a dependent person, including pretrial hearings, trial, sentencing, or appellate proceedings.

(8) "Identifying information" means the dependent person's name, address, location, and photograph, and in cases in which the dependent person is a relative of the alleged perpetrator, identification of the relationship between the dependent person and the alleged perpetrator.

(9) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.

NEW SECTION. Sec. 3. (1) In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that dependent persons who are victims or witnesses are afforded the rights enumerated in this section. The enumeration of rights under this chapter shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Dependent persons who are victims or witnesses in the criminal justice system have the following rights, which apply to any criminal court or juvenile court proceeding:

(a) To have explained in language easily understood by the dependent person, all legal proceedings and police investigations in which the dependent person may be involved.

(b) With respect to a dependent person who is a victim of a sex or violent crime, to have a crime victim advocate from a crime victim/witness program, or any other advocate of the victim's choosing, present at any prosecutorial or defense interviews with the dependent person. This subsection applies unless it creates undue hardship and if the presence of the crime victim advocate or other advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate or other advocate is to provide emotional support to the dependent

person and to promote the dependent person's feelings of security and safety.

(c) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the dependent person prior to and during any court proceedings.

(d) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the dependent person to cooperate with prosecution and the potential effect of the proceedings on the dependent person.

(e) To allow an advocate to provide information to the court concerning the dependent person's ability to understand the nature of the proceedings.

(f) To be provided information or appropriate referrals to social service agencies to assist the dependent person with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the dependent person is involved.

(g) To allow an advocate to be present in court while the dependent person testifies in order to provide emotional support to the dependent person.

(h) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the dependent person testifies in order to promote the dependent person's feelings of security and safety.

(i) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as victim advocates or prosecutorial staff trained in the interviewing of the dependent person.

(j) With respect to a dependent person who is a victim of a violent or sex crime, to receive either directly or through the dependent person's legal guardian, if applicable, at the time of reporting the crime to law enforcement officials, a written statement of the rights of dependent persons as provided in this chapter. The statement may be paraphrased to make it more easily understood. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

(2) Any party may request a preliminary hearing for the purpose of establishing accommodations for the dependent person consistent with, but not limited to, the rights enumerated in this section.

NEW SECTION. Sec. 4. (1) The prosecutor or defense may file a motion with the court at any time prior to commencement of the trial for an order authorizing the taking of a video tape deposition for the purpose of preserving the direct testimony of the moving party's witness if that witness is a dependent person.

(2) The court may grant the motion if the moving party shows that it is likely that the dependent person will be unavailable to testify at a subsequent trial. The court's finding shall be based upon, at a minimum, recommendations from the dependent person's physician or any other person having direct contact with the dependent person and whose recommendations are based on specific behavioral indicators exhibited by the dependent person.

(3) The moving party shall provide reasonable written notice to the other party of the motion and order, if granted, pursuant to superior court criminal rules for depositions.

(4) Both parties shall have an opportunity to be present at the deposition and the nonmoving party shall have the opportunity to cross-examine the dependent person.

(5) Under circumstances permitted by the rules of evidence, the deposition may be introduced as evidence in a subsequent proceeding if the dependent person is unavailable at trial and both the prosecutor

and the defendant had notice of and an opportunity to participate in the taking of the deposition.

NEW SECTION. Sec. 5. (1) On motion of the prosecuting attorney in a criminal proceeding, the court may order that a dependent person may testify in a room outside the presence of the defendant or the jury, or both, while one-way closed circuit television equipment simultaneously projects the dependent person's testimony into another room so the defendant or the jury, or both, can watch and hear the dependent person testify if:

(a) The testimony is taken during the court proceeding;

(b) The court finds by substantial evidence, in a hearing conducted outside the presence of the jury, that requiring the dependent person to testify in the presence of the defendant or the jury, or both, will cause the dependent person to suffer serious emotional or mental distress that will prevent the dependent person from reasonably communicating at the trial or that the dependent person will suffer emotional or mental distress from testifying in the presence of the defendant or the jury, or both. If the defendant is excluded from the presence of the dependent person, the jury must also be excluded. If the dependent person is able to testify in the presence of the defendant but not the jury, the jury shall be excluded from the room and the defendant shall remain in the room with the dependent person;

(c) The court finds that the prosecutor has made all reasonable efforts to prepare the dependent person for testifying, including informing the dependent person about community counseling services, giving court tours, and explaining the trial process. If the prosecutor fails to demonstrate that preparations were implemented or the prosecutor in good faith attempted to implement them, the court shall deny the motion;

(d) The court balances the strength of the state's case without the testimony of the dependent person against the defendant's constitutional rights and the degree of infringement of the closed-circuit television procedure on those rights;

(e) The court finds that no less restrictive method of obtaining the testimony exists that can adequately protect the dependent person from the serious emotional or mental distress;

(f) When the court allows the dependent person to testify outside the presence of the defendant, the defendant can communicate constantly with the defense attorney by electronic transmission and be granted reasonable court recesses during the dependent person's testimony for person-to-person consultation with the defense attorney;

(g) The court can communicate with the attorneys by an audio system so that the court can rule on objections and otherwise control the proceedings;

(h) All parties in the room with the dependent person are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the dependent person;

(i) The court finds that the television equipment is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment; and

(j) The court imposes reasonable guidelines upon the parties for conducting the filming to avoid trauma to the dependent person or abuse of the procedure for tactical advantage.

(2) The prosecutor, defense attorney, and a neutral and trained victim's advocate, if any, shall always be in the room where the dependent person is testifying.

(3) During the hearing conducted under subsection (1) of this section to determine whether the dependent person may testify outside the presence of the defendant or the jury, or both, the court may conduct the observation and examination of the dependent person outside the presence of the defendant if:

(a) The prosecutor alleges and the court concurs that the dependent person will be unable to testify in front of the defendant or will suffer severe emotional or mental distress if forced to testify in front of the defendant;

(b) The defendant can observe and hear the dependent person by closed-circuit television;

(c) The defendant can communicate constantly with the defense attorney during the examination of the dependent person by electronic transmission and be granted reasonable court recesses during the dependent person's examination for person-to-person consultation with the defense attorney; and

(d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment. Whenever possible, all the parties in the room with the dependent person shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the dependent person.

(4) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the dependent person to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the dependent person's age, physical health, emotional stability, expressions of fear made by the dependent person regarding testifying in open court or in front of the defendant, the relationship of the defendant to the dependent person, and the court's observations of the dependent person's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the dependent person's ability to testify in front of the jury or the defendant, or both, and the specific nature of the emotional or mental trauma the dependent person would suffer. The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.

(5) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.

(6) This section may not preclude the presence of both the victim and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.

(7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the dependent person.

(8) Nothing in this section creates a right of the dependent person to a closed-circuit television procedure in lieu of testifying in open court.

(9) The state shall bear the costs of the closed-circuit television procedure.

NEW SECTION. Sec. 6. (1) The failure to provide notice to a dependent person of the rights enumerated in this chapter or the failure to provide the rights enumerated shall not result in civil liability so long as the failure was in good faith.

(2) Nothing in this chapter shall be construed to limit a party's ability to bring an action, including an action for damages, based on rights conferred by other state or federal law.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 7 RCW.

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

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lantz and Priest spoke in favor of passage of the bill.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2126 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

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

HOUSE BILL NO. 2241, By Representatives Dunshee, Lovick and O'Brien

Authorizing limited recreational activities, playing fields, and supporting facilities existing before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040.

The bill was read the second time.

Representative Dunshee moved the adoption of amendment (155):

On page 2, from the beginning of line 14, strike all material through "facilities." on line 21

On page 12, beginning on line 10, strike all of section 7

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

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

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2241 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump,

Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

ENGROSSED HOUSE BILL NO. 2241, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2282, By Representatives Sommers, O'Brien, Haler and Skinner; by request of Department of Corrections

Addressing the costs of transporting offender property.

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 Sommers spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2282.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2282 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives DeBolt and Walsh - 2.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

HOUSE BILL NO. 2282, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1466, By Representatives Flannigan, Woods, Darneille, Condotta, Kirby, Orcutt, Simpson, Haigh, Nixon, Chase, Strow, Hunt, Blake, Campbell and Kagi

Allowing motorcycles to stop and proceed through traffic signals.

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 Flannigan, Woods and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1466.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1466 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representative Simpson - 1.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

HOUSE BILL NO. 1466, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1599, By Representatives Takko, Wallace and Woods; by request of County Road Administration Board

Revising the definition of "county engineer."

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 Takko and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1599.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

HOUSE BILL NO. 1599, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2194, By Representatives Springer and Simpson

Changing public participation requirements of the growth management act.

The bill was read the second time.

Representative Simpson moved that Substitute House Bill No. 2194 be substituted for House Bill No. 2194 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2194 was read the second time.

Representative Springer moved the adoption of amendment (263):

On page 2, line 8 after "Counties" insert ", with a population greater than two hundred thousand."

On page 2, line 8 after "cities" insert ", with a population greater than five thousand."

On page 3, line 25 after "Counties" insert ", with a population greater than two hundred thousand."

On page 3, line 25 after "cities" insert ", with a population greater than five thousand."

Representatives Springer and Woods spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Woods moved adoption of amendment (127):

On page 3, after line 36 insert:

"NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

Failure to exactly comply with the public notification requirements in sections 1 and 2 of this act shall not render the comprehensive land use plan or development regulations invalid."

Renumber the remaining section and correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2194.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2194 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee,

Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Hinkle and Holmquist - 2.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2194, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1802, By Representatives Kilmer, Walsh, Pettigrew, Strow, Wallace, Kenney, Clibborn, Hankins, McCoy, Haler, Blake, McCune, Linville, P. Sullivan, Grant, Kessler, Simpson, Morrell, Williams, O'Brien, Lantz, Eickmeyer, Chase, Haigh, Hasegawa, Hudgins and Moeller

Providing a property tax exemption for nonprofits that assist small businesses.

The bill was read the second time.

Representative Linville moved that Substitute House Bill No. 1802 be substituted for House Bill No. 1802 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1802 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 Kilmer and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1802.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1802 and the bill passed the House by the following vote: Yeas - 79, Nays - 14, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Serben, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 79.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Dunn, Hinkle, Kretz, Kristiansen, Nixon, Pearson, Roach, Rodne, Shabro, and Sump - 14.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

SUBSTITUTE HOUSE BILL NO. 1802, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1408, By Representatives Pettigrew, Hinkle, Morrell, Jarrett, Darneille, McDonald, B. Sullivan, Kagi, Skinner, Schual-Berke, Chase, McIntire, McCoy, Hasegawa, Upthegrove, Ormsby, Woods, Miloscia, P. Sullivan, Santos and Simpson

Creating an individual development account program.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1408 be substituted for House Bill No. 1408 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1408 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 Pettigrew and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1408.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1408 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

SUBSTITUTE HOUSE BILL NO. 1408, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1815, By Representatives Wallace, Skinner, Pettigrew, Rodne, Kilmer, Ahern, Blake, McCoy, Anderson, Walsh, Lovick, Hudgins, Appleton, Strow, Murray, B. Sullivan, Simpson, Kessler, Williams, O'Brien, Conway, Morris, Linville, Lantz and Moeller

Modifying the small business incubator program.

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1815 be substituted for House Bill No. 1815 and the second substitute bill be placed on the second reading calendar. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1815 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 Wallace spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1815.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1815 and the bill passed the House by the following vote: Yeas - 65, Nays - 28, Absent - 0, Excused - 5.

Voting yea: Representatives Appleton, Blake, Buck, Campbell, Chase, Clements, Clibborn, Conway, Darneille, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Pearson, Priest, Roach, Rodne, Serben, Shabro, Sump, Talcott and Tom - 28.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

SECOND SUBSTITUTE HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1864, By Representatives Kilmer, Woods, Lantz, Appleton, Green and Hasegawa

Modifying citizen oversight of toll charges.

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 Kilmer and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1864.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1864 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest,

Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Anderson and Dickerson - 2.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

HOUSE BILL NO. 1864, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1865, By Representatives Kilmer, Woods, Lantz, Appleton, Talcott, Green and Williams

Modifying sales and use taxation related to the state route 16 corridor improvements project.

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1865 be substituted for House Bill No. 1865 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1865 was read the second time.

Representative Kilmer moved the adoption of amendment (279):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to:

(a) Charges made for labor and services rendered by any person in respect to the building of any street, place, road, highway, easement, right of way, bridge, tunnel, or trestle which is owned by the state or by the United States and which is used or to be used primarily for foot or vehicular traffic; or

(b) Sales of tangible personal property that becomes an ingredient or component of the street, place, road, highway, easement, right of way, bridge, tunnel, or trestle which is owned by the state or by the United States and which is used or to be used primarily for foot or vehicular traffic during the course of the building of such street, place, road, highway, easement, right of way, bridge, tunnel, or trestle.

(2) The exemption provided by this section does not apply:

(a) To any project for which a sales and use tax deferral certificate has been issued by the department under RCW 47.46.060; and

(b) Unless at least eighty percent of the cost of the project will be recovered through tolls or other direct user fees.

(3) The buyer must provide the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(4) For the purposes of this section, "direct user fee" means a fee charged for the specific use of the facility.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of tangible personal property that becomes an ingredient or component of any street, place, road, highway, easement, right of way, bridge, tunnel, or trestle which is owned by the state or by the United States and which is used or to be used primarily for foot or vehicular traffic during the course of building.

(2) The eligibility requirements, conditions, and definitions in section 1 of this act apply to this section.

Sec. 3. RCW 47.46.060 and 2002 c 114 s 18 are each amended to read as follows:

(1) Any person, including the department of transportation and any private entity or entities, may apply for deferral of taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment which will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project under this chapter. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the project.

(3) The department of transportation or a private entity granted a tax deferral under this section shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax. The project is operationally complete under this section when the collection of tolls is commenced for the state route number 16 improvements covered by the deferral.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the department of transportation or a private entity granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the private entity. Transfer of ownership does not terminate the deferral.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) Taxes due under chapters 82.08 and 82.12 RCW on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements for which a deferral has been granted need not be repaid."

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kilmer, Woods and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1865.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1865 and the bill passed the House by the following vote: Yeas - 79, Nays - 14, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Campbell, Chase, Clibborn, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Anderson, Buri, Chandler, Clements, Cox, Dickerson, Kagi, Kenney, Kretz, Newhouse, Serben, Sommers and Sump - 14.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1936, By Representatives Upthegrove, Hinkle, Simpson, Priest, Miloscia, Schual-Berke, P. Sullivan, Williams, Hasegawa and O'Brien

Allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2.

The bill was read the second time.

Representative Fromhold moved that Substitute House Bill No. 1936 be substituted for House Bill No. 1936 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1936 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 Upthegrove and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1936.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1936 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

SUBSTITUTE HOUSE BILL NO. 1936, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1418, By Representatives Kirby, Roach, Simpson, Santos, Campbell, Orcutt, Williams and Serben

Regulating insurance overpayment recovery practices.

The bill was read the second time.

Representative Fromhold moved that Second Substitute House Bill No. 1418 be substituted for House Bill No. 1418

and the second substitute bill be placed on the second reading calendar. The motion was adopted.

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

With the consent of the House, amendment (192) was withdrawn.

Representative Kirby moved the adoption of amendment (246):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) A carrier may not retroactively deny, adjust, or seek recoupment or refund of an adjudicated claim submitted by a health care provider for any reason, other than fraud or coordination of benefits or as set forth in subsection (5) of this section, after the expiration of two years from the date the initial claim was paid. If a carrier retroactively denies, adjusts, or seeks recoupment or refund of an adjudicated claim, the health care provider has an additional period of six months from the date the notice required by subsection (6) of this section was received within which to file either a revised claim or a request for reconsideration supported by additional medical records or information. If both the carrier and provider agree, adjudicated claims may be adjusted after the expiration of two years from the date the claim was paid.

(2) A health care provider may not retroactively seek adjustment of an adjudicated claim by a carrier for any reason, other than fraud or coordination of benefits, after the expiration of two years from the date the initial claim was paid. If a provider retroactively seeks an adjustment of an adjudicated claim, the carrier has an additional period of six months from the date the notice required by subsection (6) of this section was received within which to file a response. If both the carrier and provider agree, adjudicated claims may be adjusted after the expiration of two years from the date the claim was paid.

(3) A carrier may not retroactively deny, adjust, or seek recoupment or refund of an adjudicated claim submitted by a health care provider for reasons related to coordination of benefits with another carrier or other entity responsible for payment of the claim after the expiration of thirty months from the date the original claim was paid by the primary or secondary payer, regardless who is seeking the adjustment or recoupment. A carrier may not unreasonably delay initial payment of a claim to a health care provider because of carrier efforts to coordinate benefits nor may a carrier require the provider to assume responsibility for coordination of benefits except to provide the carrier information. If the carrier retroactively denies, adjusts, or seeks recoupment or refund of an adjudicated claim based on coordination of benefits, the carrier must provide the health care provider with notice specifying the reason for the denial, adjustment, recoupment, or refund, and provide the name and address of the entity that has acknowledged responsibility for payment of the adjudicated claim. The health care provider has an additional six months from the date the health care provider received the notice specified in this subsection to submit a claim for reimbursement for the health care service to the carrier, medical assistance program, government health benefit program, or any other

entity responsible for payment of services provided. If both the carrier and provider agree, adjudicated claims may be adjusted after the expiration of eighteen months from the date the claim was paid.

(4) A health care provider may not retroactively seek adjustment of a claim payment by a carrier for reasons related to coordination of benefits with another carrier or other entity responsible for payment of the claim after the expiration of thirty months from the date the original claim was paid. If a provider retroactively seeks adjustment of an adjudicated claim based on coordination of benefits, the health care provider must provide the carrier with notice specifying the reason for the adjustment, and provide the name and address of the entity that has failed to acknowledge responsibility for payment of the claim. The carrier has an additional six months from the date the carrier receives the notice specified in this subsection to respond. If both the carrier and provider agree, adjudicated claims may be adjusted after the expiration of eighteen months from the date the claim was paid.

(5) To prevent duplicate recovery for the same health service, a carrier may seek recoupment, adjustment, or refund of an adjudicated claim paid to a health care provider after the expiration of one year from the date the initial claim was paid if: (a) The carrier is seeking recovery of a claim payment owed by a third party, including government entities, as a consequence of liability imposed by law, such as that arising from tort liability; and (b) the carrier is unable to seek recovery directly from the third party because the third party either has paid or will pay the provider for the same health service as the initial claim.

(6) A carrier or health care provider that retroactively denies, adjusts, or seeks recoupment, adjustment, or refund of an adjudicated claim must give the other party written notice specifying the reason for the action taken. Any actions that are based upon medical necessity determinations, level of service determinations, coding errors, or billing irregularities must be reconciled by the carrier or the provider to the specific claims in question.

(7) A health care provider or a carrier has thirty days after receipt of the notice under subsection (6) of this section in which to notify the other party that they are disputing or contesting the action. When a provider or a carrier fails to respond in writing in thirty days to a written notice of recoupment or adjustment, the carrier or provider may consider the recoupment or adjustment accepted. If the health care provider or a carrier disputes or contests the action, then any disputed or contested claim payment is not subject to recoupment, refunds, or adjustment by the other party until all the appeals procedures, hearings, or other remedies available to the health care provider and the carrier have been finally decided. If the decision is favorable to the carrier, any disputed payment may be offset in a future claim payment for that provider.

(8) The requirements of this section may not be waived by contract or otherwise by the health care provider or carrier. This section neither permits nor precludes a carrier from recovering from a subscriber, enrollee, or beneficiary any amounts paid to a health care provider for benefits to which the subscriber, enrollee, or beneficiary was not entitled under the terms and conditions of the health plan, insurance policy, or other benefit agreement.

(9) This section does not apply to carrier or provider payment or recoupment practices with respect to claims or payments for health care services provided through dental-only health carriers, health care services provided under Title XVIII (medicare) of the social security act, or medicare supplemental plans regulated under chapter 48.66 RCW.

NEW SECTION. Sec. 2. This act takes effect January 1, 2006."

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

The amendment was adopted. The bill was ordered engrossed.

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

Representative Kirby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1418 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

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

HOUSE BILL NO. 1153, By Representatives Springer, Nixon, Clibborn, Jarrett, Simpson, P. Sullivan, Shabro and B. Sullivan

Equalizing the costs of providing municipal services to newly annexed areas.

The bill was read the second time.

Representative Simpson moved that Substitute House Bill No. 1153 be substituted for House Bill No. 1153 and the

substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1153 was read the second time.

Representative Serben moved the adoption of amendment (248):

On page 3, line 6, after "35.102.020." insert "For the purposes of this section, a utility business does not include a telephone business as defined in RCW 82.04.065."

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

The amendment was adopted.

With the consent of the House, amendments (250), (249), (255) and (251) were withdrawn.

The bill was ordered engrossed.

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

Representatives Springer, Nixon and Simpson spoke in favor of passage of the bill.

Representative Woods spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1153.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1153 and the bill passed the House by the following vote: Yeas - 58, Nays - 35, Absent - 0, Excused - 5.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Serben, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn,

Ericksen, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Morrell, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Shabro, Skinner, Strow, Sump and Woods - 35.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153, having received the necessary constitutional majority, was declared passed.

There being no objection, Rule 13c was suspended.

HOUSE BILL NO. 1301, By Representatives Hunt, Alexander, Ormsby, Jarrett, Dunshee, Williams and Moeller

Creating the legislative buildings committee.

The bill was read the second time.

Representative Ormsby moved that Substitute House Bill No. 1301 be substituted for House Bill No. 1301 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1301 was read the second time.

With the consent of the House, amendment (057) was withdrawn.

Representative Hunt moved the adoption of amendment (087):

On page 1, line 15, after "historical," insert "accessibility,"

On page 3, line 13, after "(3) The" strike the remainder of subsection (3) through line 18 and insert "advisory committee shall also consist of the secretary of state or his or her designee and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate."

On page 4, line 20, after the first "capitol" strike "buildings" and insert "~~((buildings))~~ facilities"

On page 4, line 22, after "thereof" strike "~~((, and designate rooms in the capitol buildings to be occupied by various state officials))~~" and insert ", and, except as provided in section 2 of this act, designate rooms in the capitol buildings to be occupied by various state officials"

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

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1301.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1301 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler- 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1636, By Representatives Pettigrew, Roberts, Kagi, Clements, Darneille, Hunt, Green, Kenney, Appleton, Chase, Jarrett, Kessler, Moeller, Morrell, Williams, Ormsby, Murray, Dickerson, Conway, Lantz, Wood, Haigh, McDermott, Santos and Hudgins

Adopting a wage ladder for child care workers.

The bill was read the second time.

Representative Fromhold moved that Substitute House Bill No. 1636 be substituted for House Bill No. 1636 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1636 was read the second time.

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

Representative Pettigrew spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1636.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1636 and the bill passed the House by the following vote: Yeas - 59, Nays - 34, Absent - 0, Excused - 5.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, Nixon, Orcutt, Pearson, Roach, Rodne, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 34.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 1636, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2053, By Representatives Hankins, Murray, Haler, Schual-Berke and Skinner

Clarifying intermediate drivers' license law.

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 2053 be substituted for House Bill No. 2053 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2053 was read the second time.

Representative Nixon moved the adoption of amendment (237):

On page 2, line 18, after "~~42-17-020~~")" insert ", except when the holder is accompanied by a licensed parent, licensed guardian, or a licensed driver who is at least twenty-five years of age with at least five years of driving experience"

On page 2, line 21, after "family" insert ", except when the holder is accompanied by a licensed parent, licensed guardian, or a licensed driver who is at least twenty-five years of age with at least five years of driving experience"

Representatives Nixon and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hankins and Murray spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2053.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2053 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2053, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2173, By Representatives Serben, Lantz, Curtis, Darneille, Williams, Rodne, Ahern, Sump, Sells, Woods, Dunn, Springer, Haler, Talcott, Wallace, Conway, O'Brien, Kenney and P. Sullivan

Adopting the service members' civil relief act.

The bill was read the second time.

Representative Lantz moved that Substitute House Bill No. 2173 be substituted for House Bill No. 2173 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2173 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 Serben, Lantz and Strow spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2173.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2173 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cody, Eickmeyer, McDonald, McIntire and Schindler - 5.

SUBSTITUTE HOUSE BILL NO. 2173, having received the necessary constitutional majority, was declared passed.

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 14, 2005, the 64th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk