

SIXTIETH LEGISLATURE - REGULAR SESSION

NINETY SIXTH DAY

House Chamber, Olympia, Friday, April 13, 2007

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 flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shirley Arreola-Kern and Evelyn Carlson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Brian Wiele, River Ridge Covenant Church, Olympia.

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

MESSAGE FROM THE SENATE

April 12, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
 SUBSTITUTE HOUSE BILL NO. 1124,
 HOUSE BILL NO. 1181,
 SUBSTITUTE HOUSE BILL NO. 1264,
 HOUSE BILL NO. 1270,
 HOUSE BILL NO. 1291,
 SUBSTITUTE HOUSE BILL NO. 1312,
 HOUSE BILL NO. 1526,
 SUBSTITUTE HOUSE BILL NO. 1555,
 HOUSE BILL NO. 1680,
 HOUSE BILL NO. 1706,
 HOUSE BILL NO. 1789,
 HOUSE BILL NO. 1813,
 SUBSTITUTE HOUSE BILL NO. 1892,
 SUBSTITUTE HOUSE BILL NO. 1897,
 HOUSE BILL NO. 2032,
 SUBSTITUTE HOUSE BILL NO. 2056,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

SB 6167 By Senators Pridemore, Zarelli and Prentice; by request of Department of Retirement Systems

AN ACT Relating to clarifying the director's authority to determine interest in certain public retirement systems; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Appropriations.

There being no objection, the bill 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

ENGROSSED SENATE BILL NO. 5498, By Senators Regala, Clements, Morton, Brandland, Pridemore, Delvin, Prentice, Hatfield and Rasmussen

Revising voter-approved funding sources for local taxing districts.

The bill was read the second time.

POINT OF ORDER

Representative Orcutt: ****

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would direct the members to Sections 111 and 112 of Reed's Rules. These sections provide that any objection to a question being considered because of conflicts with rules and orders already established, or with proceedings already determined upon by the assembly, must be presented in a timely fashion. Once action has been taken it is too late.

The bill is on the House second reading calendar. The Speaker would note that HCR 4401, the cutoff resolution, sets a deadline for today at 5:00 p.m. for the House to consider Senate bills, with limited exceptions not relevant here. That is the only part of the cutoff resolution relevant to this body's consideration of this measure, and it clearly allows consideration of the bill until the stated deadline.

Any inquiry or objection as to whether the bill met earlier cutoff deadlines are out of order because they were not raised in a timely fashion."

Representative Orcutt moved the adoption of amendment (693):

On page 2, line 23, after "limitations," insert "and except as provided in subsection (2) of this section."

On page 2, line 36, after "(2)" insert "(a)"

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

"(b) A proposition under this subsection (2) is not approved unless the number of persons voting "yes" on the proposition constitutes at least:

(i) Three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or

(ii) Three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election."

Representatives Orcutt, Buri, Ericksen and Condotta spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (852):

On page 2, line 36, after "(2)" insert "(a)"

On page 2, line 36, after "limitations" insert "and the conditions in subsection (b) of this subsection"

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

"(b) A legislative authority may place a proposition before the voters under this subsection (2) only after first establishing a finding of substantial need. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this subsection (2)(b). In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this subsection (2)(b)."

Representatives Orcutt, Sump, Armstrong, Ericksen and Hinkle spoke in favor of the adoption of the amendment.

Representatives Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

MOTION

On motion of Representative Schindler, Representative Skinner was excused.

Representative Condotta moved the adoption of amendment (742):

On page 3, line 1, after "levies" insert "for any county, city, town, or fire protection district"

Representatives Condotta, Sump, Kristiansen, Ahern, McCune, Orcutt, Buri and Ericksen spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Newhouse moved the adoption of amendment (856):

On page 3, line 1, after "up to" strike "six" and insert "five"

Representatives Newhouse, Hailey, Anderson, Kristiansen, Strow and Sump spoke in favor of the adoption of the amendment.

Representatives Hunter and Roach spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Newhouse moved the adoption of amendment (855):

On page 3, line 1, after "up to" strike "six" and insert "four"

Representatives Newhouse, Alexander, Orcutt, Strow, Anderson and Roach spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ahern moved the adoption of amendment (849):

On page 3, line 1, after "up to" strike "six" and insert "three"

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

Representatives Hunter, Roach, Buri and Pearson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ahern moved the adoption of amendment (850):

On page 3, line 1, after "up to" strike "six" and insert "two"

Representatives Ahern, Schindler, Warnick and Ericksen spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (851):

On page 3, line 1, after "levies" insert "for any fire protection district"

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

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (694):

On page 3, beginning on line 2, after "period" strike all material through "years," on line 8 and insert "the levy limit for each year shall be calculated based on the levy amount in the calendar year immediately preceding the period. The ballot proposition must state the limit factor"

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

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (695):

On page 3, beginning on line 4, after "computed" strike all material through "years" on line 9 and insert ". The ballot proposition must state the dollar rate proposed for each of the consecutive years in the levy"

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

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (854):

On page 3, line 10, after "at a" strike "primary or"

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

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (853):

On page 3, line 11, after "state" insert "both"

On page 3, line 13, after "used" strike ", and funds" and insert "as well as the dollar amount that is to be allocated for each specific purpose. Funds"

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

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (697):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.55.005 and 2002 c 1 s 2 are each reenacted to read as follows:

As used in this chapter:

(1) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce in September of the year before the taxes are payable;

(2) "Limit factor" means:

(a) For taxing districts with a population of less than ten thousand in the calendar year prior to the assessment year, one hundred one percent;

(b) For taxing districts for which a limit factor is authorized under RCW 84.55.0101, the lesser of the limit factor under that section or one hundred one percent;

(c) For all other districts, the lesser of one hundred one percent or one hundred percent plus inflation; and

(3) "Regular property taxes" has the meaning given it in RCW 84.04.140.

"**Sec. 2.** RCW 84.55.0101 and 2002 c 1 s 3 are each reenacted to read as follows:

Upon a finding of substantial need, the legislative authority of a taxing district other than the state may provide for the use of a limit

factor under this chapter of one hundred one percent or less unless an increase greater than this limit is approved by the voters at an election as provided in RCW 84.55.050. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this section. In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this section. The new limit factor shall be effective for taxes collected in the following year only.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

POINT OF ORDER

Representative Springer requested a scope and object ruling on the amendment (697) to Engrossed Senate Bill No. 5498.

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "ENGROSSED SENATE BILL NO. 5498 is entitled AN ACT relating to "revising voter-approved funding sources for local taxing districts." The bill modifies non-supplantation requirement requirements for voter-approved sales and property tax increases, and extends to other taxing districts the authority that cities and counties have to seek voter-approved multi-year regular levy increases above the 1 percent limit.

Amendment (697) strikes the entire bill and reenacts the regular levy growth limitations adopted under Initiative 747. Section 1 of the amendment places a limit on the rate by which the legislative authority of a taxing district may increase its regular levy annually in the absence of a public vote.

The amendment is not limited to voter-approved taxes but also extends to non-voter-approved taxes. The Speaker therefore finds the amendment is beyond the scope and object of the bill.

Representative Springer, your point of order is well taken."

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

Representative Hunter spoke in favor of passage of the bill.

Representative Orcutt 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 Senate Bill No. 5498.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5498 and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Bailey, Barlow, Buri, DeBolt, Ericksen, Goodman, Hailey, Hinkle, Hurst, Kelley, Kretz, Kristiansen, McDonald, Orcutt, Pearson, Roach, Schindler, Seaquist, Strow, Sump and Warnick - 23.

Excused: Representative Skinner - 1.

ENGROSSED SENATE BILL NO. 5498, having received the necessary constitutional majority, was declared passed.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6099, By Senate Committee on Transportation (originally sponsored by Senator Murray)

Hiring a mediator to help the department of transportation develop a state route number 520 expansion impact plan. (REVISED FOR ENGROSSED: Addressing the state route number 520 bridge replacement and HOV project.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

With the consent of the House, amendment (841) was withdrawn.

Representative Anderson moved the adoption of amendment (681) to the committee amendment:

On page 3, line 17 of the striking amendment, after "district," strike "and"

On page 3, line 17, after "tolling" insert ", and two billion seven hundred million dollars from the regional transit authority as provided in section 5 of this act"

On page 3, after line 21, insert:

"NEW SECTION. Sec. 5. A new section is added to chapter 81.112 RCW to read as follows:

Funds received as part of the regional transit authority's system and financing plan submitted to voters at the 2007 general election under RCW 36.120.070 and 81.112.030 that are intended to support light rail across Lake Washington shall, instead, be allocated to the projects listed below in the amounts described and in the following order of priority:

(1) Two billion seven hundred million dollars for the improvement and replacement of the state route number 520 bridge replacement and HOV project between Interstate 5 and Interstate 405; and

(2) All other projects identified in the authority's system and financing plan except for projects that support development of light rail across Lake Washington."

Renumber the sections accordingly and correct any internal references.

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

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

The amendment to the committee amendment was not adopted.

Representative Clibborn moved the adoption of amendment (857) to the committee amendment:

On page 1, beginning on line 3 of the amendment, strike all of sections 1 through 5 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the replacement of the vulnerable state route number 520 corridor is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 floating bridge is susceptible to damage, closure, or even catastrophic failure from earthquakes, windstorms, and waves. Additionally, the bridge serves as a vital route for vehicles to cross Lake Washington, carrying over three times its design capacity in traffic, resulting in more than seven hours of congestion per day.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to move forward with a state route number 520 bridge replacement project design that provides six total lanes, with four general purpose lanes and two lanes that are for high occupancy vehicle travel that could also accommodate high capacity transportation, and the bridge shall also be designed to accommodate light rail in the future. High occupancy vehicle lanes in the state route 520 corridor must also be able to support a bus rapid transit system.

NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows:

(1) As soon as practicable after the effective date of this act, and after consulting with the city of Seattle, the office of financial management shall hire a mediator, and appropriate planning staff, including urban, transportation, and neighborhood planners, to develop a state route number 520 project impact plan for addressing the impacts of the state route number 520 bridge replacement and HOV project design on Seattle city neighborhoods, parks, including the Washington park arboretum, and institutions of higher education. The mediator must have significant professional experience in working with communities that surround major transportation construction projects, and mitigating the impacts of those transportation projects on those communities. The office of financial management shall hire the mediator and the planning staff within existing appropriations allocated for the state route number 520 bridge replacement and HOV project. The position of mediator under this section is not considered a certified or legally binding position.

(2) The mediator's responsibility to develop a project impact plan is highly time sensitive. As a result, competitive bidding is not cost-effective or appropriate for personal service contracts to hire the mediator. The director of the office of financial management shall, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(3) In evaluating the project impacts, the mediator must consider the concerns of neighborhoods and institutions of higher education directly impacted by the proposed design, establish a process that incorporates interest-based negotiation, and work with the appropriate planning staff to develop mitigation recommendations related to the project design. The mediator shall work to ensure that the project impact plan provides a comprehensive approach to mitigating the impacts of the project, including incorporating construction mitigation plans.

(4) The ultimate goal of the mediation and planning process established in subsection (1) of this section is to develop a project impact plan agreed to by all appropriate parties including, but not limited to, those parties listed in subsection (6) of this section. The project impact plan must be consistent with RCW 47.01.380, and must support and be consistent with the approved purpose and need statement for the project, which is: "The purpose of the project is to improve mobility for people and goods across Lake Washington within the SR 520 corridor from Seattle to Redmond in a manner that is safe, reliable, and cost-effective while avoiding, minimizing, and/or mitigating impacts on the affected neighborhoods and the environment." The mediator must strive to develop a consensus-based plan. In the event that the mediation process does not result in consensus, the mediator shall submit a project impact plan to the governor and the joint transportation committee that reflects the views of the majority of the mediation participants.

(5) The process established in subsection (1) of this section shall result in a project design that provides six total lanes, with four general purpose lanes and two lanes that are for high occupancy vehicle travel that could also accommodate high capacity transportation. The bridge shall also be designed to accommodate light rail in the future and to support a bus rapid transit system. Additionally, the mediator shall strive to develop a project impact plan within the constraints of the range of estimated project costs as of May 1, 2007.

(6)(a) In performing the duties of this section, and consistent with the governor's findings and conclusions, dated December 15,

2006, the mediator shall work with interested parties directly affected by the state route number 520 bridge replacement and HOV project including, but not limited to, at least the following:

- (i) Representation from each neighborhood directly impacted by the project;
 - (ii) Representation from local governments on both ends of the bridge directly impacted by the project;
 - (iii) Representation from King county;
 - (iv) Representation from the Washington park arboretum;
 - (v) Representation from the University of Washington; and
 - (vi) Representation from sound transit.
- (b) The mediator shall also work with the department and others as necessary.

(c) Before the mediator may submit the project impact plan, it must be reviewed by the mayor of Seattle and the Seattle city council. The project impact plan must reflect whether the mayor and council concur or do not concur with the plan and include an explanation regarding their positions.

(7) Until December 1, 2008, the mediator must provide periodic reports to the joint transportation committee and the governor regarding the status of the project impact plan development process. The mediator must submit a progress report to the joint transportation committee and the governor by August 1, 2007. The mediator must submit a final project impact plan to the governor and legislature by December 1, 2008.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

In developing the state route number 520 project impact plan provided in section 2 of this act, the mediator and associated planning staff shall review the department's project design plans in the draft environmental impact statement for conformance with the following legislative goals regarding the final design for the state route number 520 bridge replacement and HOV project:

- (1) Minimize the total footprint and width of the bridge, and seek appropriate federal design variances to safety and mobility standards, while complying with other federal laws;
- (2) Minimize the project impact on surrounding neighborhoods, including incorporation of green lids and connectors, and minimize any increases in additional traffic volumes through the Washington park arboretum and other adjacent neighborhoods;
- (3) Incorporate the recommendations of a health impact assessment to calculate the project's impact on air quality, carbon emissions, and other public health issues, conducted by the Puget Sound clean air agency and King county public health;
- (4) Ensure that the ultimate project configuration effectively prioritizes maintaining travel time, speed, and reliability on the two high-occupancy vehicle lanes; and
- (5) Clearly articulate in required environmental documents the alignment of the selected preferred alternative for the state route number 520 bridge replacement and HOV project and the footprint of the project and the affected areas.

NEW SECTION. Sec. 4. A new section is added to chapter 47.01 RCW to read as follows:

In addition to the review required in section 3 of this act, the mediator may determine that additional alternative concept designs should be considered for the west end of the project to best meet the expressed legislative goals described in section 3 of this act. The mediator may contract with an engineering firm to conduct an independent feasibility analysis of the following proposals: A combination of tunnels and submerged tubes under Lake

Washington; a partial tunnel from Interstate 5 to the west end of the state route number 520 bridge; and a proposal to move state route number 520 from its current alignment through the arboretum. The analyses for all alternative concept design plans must be submitted to the joint transportation committee and the governor by September 1, 2007. The mediator must hold a public hearing regarding the results of the independent review and reflect the independent review findings in the project impact plan. Up to two hundred fifty thousand dollars of the existing funding appropriation to the project shall be used for reviewing these alternative concept design plans.

Sec. 5. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

(1) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both.

(2) The department shall not commence on-site construction on any part of the state route number 520 bridge replacement and HOV project until the department submits the finance plan required in section 7 of this act to the legislature.

(3) The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

As part of the state route number 520 bridge replacement and HOV project, the governor's office shall work with the department, sound transit, King county metro, and the University of Washington, to plan for high capacity transportation in the state route number 520 corridor. The parties shall jointly develop a multimodal transportation plan that ensures the effective and efficient coordination of bus services and light rail services throughout the state route number 520 corridor. The plan shall include alternatives for a multimodal transit station that serves the state route number 520 - Montlake interchange vicinity, and mitigation of impacts on affected parties. The high capacity transportation planning work must be closely coordinated with the state route number 520 bridge replacement and HOV project's environmental planning process, and must be completed within the current funding for the project. A draft plan must be submitted to the governor and the joint transportation committee by October 1, 2007. A final plan must be submitted to the governor and the joint transportation committee by December 2008.

NEW SECTION. Sec. 7. A new section is added to chapter 47.01 RCW to read as follows:

The state route number 520 bridge replacement and HOV project finance plan must include state funding, federal funding, at least one billion dollars in regional contributions, and revenue from tolling. The department must provide a proposed finance plan to be tied to the estimated cost of the recommended project solutions, as provided under section 3 of this act, to the governor and the joint transportation committee by January 1, 2008.

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.

NEW SECTION. Sec. 9. 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."

Representatives Clibborn and Jarrett spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

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

Representatives Clibborn, Jarrett and McIntire spoke in favor of passage of the bill.

Representative Hasegawa 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 Senate Bill No. 6099, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6099, as amended by the House and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Anderson, Armstrong, Chandler, Chase, Condotta, Crouse, Eickmeyer, Ericksen, Hasegawa, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Roach, Rodne, Ross, Schindler, Simpson, Sump Van De Wege, and Warnick - 23.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6099, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5248, By Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist)

Preserving the viability of agricultural lands.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was before the House for purpose of amendment. (For Committee amendment, see Journal, 82nd Day, March 30, 2007.)

With the consent of the House, amendments (654) and (566) were withdrawn.

Representative Ericksen moved the adoption of amendment (806) to the committee amendment:

Strike everything after page 1, line 2 of the amendment and insert the following:

"**Sec. 1.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read as follows:

(1)(a) Except as provided in RCW 36.70A.1701, each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(b) Counties and cities shall require that all plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including

mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) Critical area ordinances and development regulations developed or amended after the effective date of this section by local governments under this chapter may not prohibit legally existing agricultural activities occurring on agricultural land, as defined in RCW 90.58.065, and may not require removal of agricultural land from production. This section applies only to this chapter and does not affect any other authority of local governments.

NEW SECTION. Sec. 2. This act applies prospectively only and not retroactively."

Correct the title.

Representatives Ericksen, Newhouse, Curtis, Hinkle, Chandler, Kretz, Schindler, Hailey and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (806) to Substitute Senate Bill No. 5248.

ROLL CALL

The Clerk called the roll on the adoption of amendment (806) to Substitute Senate Bill No. 5248, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Linville, McCune, McDonald, Morrell, Morris, Newhouse, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross,

Schindler, Strow, Sump, Takko, Van De Wege, Walsh, and Warnick - 44.

Voting nay: Representatives Appleton, Barlow, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 53.

Excused: Representative Skinner - 1.

Representative Simpson moved the adoption of amendment (858) to the committee amendment:

Strike everything after page 1, line 2 of the amendment and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the goal of preserving Washington's agricultural lands is shared by citizens throughout the state. The legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.

(2) The legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.

(3) The legislature fully expects the duties and requirements it is prescribing for the Ruckelshaus Center to be successful. If, however, the efforts of the center do not result in agreement on how to best address the conflicts between agricultural activities and certain regulatory requirements as they apply to agricultural activities, the legislature intends, upon the expiration of the delay, to require jurisdictions that have delayed amending or adopting certain regulatory measures to promptly complete all regulatory amendments or adoptions necessary to comply with the growth management act.

(4) The legislature does not intend this act to reduce or otherwise diminish existing critical area ordinances that apply to agricultural activities during the deferral period established in section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1) For the period beginning May 1, 2007, and concluding July 1, 2010, counties and cities may not amend or adopt critical area ordinances under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

(a) Nullifies critical area ordinances adopted by a county or city prior to May 1, 2007, to comply with RCW 36.70A.060(2);

(b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or

(c) Limits the ability of a county or city to adopt or employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities subject to deferral requirements under subsection (1) of this section:

(a) Should implement voluntary programs to enhance public resources and the viability of agriculture. Voluntary programs implemented under this subsection (a) must include measures to evaluate the successes of these programs; and

(b) Must review and, if necessary, revise critical area ordinances as they specifically apply to agricultural activities to comply with the requirements of this chapter by December 1, 2011.

(3) For purposes of this section and section 3 of this act, "agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

NEW SECTION. Sec. 3. (1) Subject to the availability of amounts appropriated for this specific purpose, the William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances adopted under chapter 36.70A RCW. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must: (a) Work and consult with willing participants including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas including, but not limited to: (i) Critical area ordinances adopted under chapter 36.70A RCW; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vii) compliance with water quality requirements. The center must issue two reports of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007, and December 1, 2008; and

(b)(i) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues and desired outcomes identified by stakeholders in the first phase of the center's examination efforts.

(ii) In particular, the stakeholders must examine innovative solutions including, but not limited to, outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.

(iii) The center must work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, 2009.

NEW SECTION. Sec. 4. If specific funding for the purposes of section 3 of this act, referencing this act and section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

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

NEW SECTION. Sec. 6. This act expires December 1, 2011."

Correct the title.

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

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

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

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

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

Representatives Kretz and Hailey spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5248, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5248, as amended by the House and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Alexander, Appleton, Armstrong, Crouse, Curtis, DeBolt, Ericksen, Hailey, Haler, Hankins, Hasegawa, Kristiansen, McCoy, Pearson and Schindler - 15.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5248, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, By Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Kohl-Welles, Fairley, Franklin, Brown and Kline)

Establishing family and medical leave insurance.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 85th Day, April 2, 2007.)

With the consent of the House, amendments (818) and (819) were withdrawn.

Representative Dickerson moved the adoption of amendment (776):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS. The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of parent-child bonding, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for a child while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current state and federal family and medical leave laws.

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

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family and medical leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Calendar quarter" means the same as in RCW 50.04.050.

(3) "Child" means the same as in RCW 49.78.020.

(4) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(5) "Employment" means the same as in RCW 50.04.100.

(6) "Family and medical leave" means leave for the birth or placement of a child as defined in RCW 49.78.020 and described in RCW 49.78.220(1) (a) or (b).

(7) "Family and medical leave insurance benefits" means the benefits payable under section 3 of this act.

(8) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(9) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

NEW SECTION. Sec. 3. BENEFITS. (1) Beginning October 1, 2009, family and medical leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family and medical leave if the individual has been employed for at least six hundred eighty hours in employment during the individual's qualifying year.

(2) The maximum number of weeks during which family and medical leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family and medical leave.

(3) The amount of family and medical leave insurance benefits shall be determined as follows:

(a) The weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week.

(b) For an individual who was regularly working thirty-five hours or more per week at the time of beginning family and medical leave and is on family and medical leave for less than thirty-five hours but at least eight hours in a week, the weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family and medical leave taken in the week.

(c) For an individual who was regularly working less than thirty-five hours per week at the time of beginning family and medical leave, there shall be a prorated schedule for a weekly benefit amount and a minimum number of hours of family and medical leave that must be taken in a week for benefits to be payable. The prorated schedule shall be based on the amounts and the calculations specified under (a) and (b) of this subsection.

NEW SECTION. Sec. 4. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT. This act does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this act at any time, and a benefit or other right granted under this act exists subject to the legislature's power to amend or repeal this act. There is no vested private right of any kind against such amendment or repeal.

NEW SECTION. Sec. 5. LEAVE AND EMPLOYMENT PROTECTION. (1) Beginning October 1, 2009, during a period in which an individual receives family and medical leave insurance benefits or earns waiting period credits under this act, the individual is entitled to family and medical leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) The individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual if:

(a) The employer from whom the individual takes family and medical leave employs more than twenty-five employees; and

(b) The individual has been employed for at least twelve months by that employer, and for at least one thousand two hundred fifty hours of service with that employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

NEW SECTION. Sec. 6. COORDINATION OF LEAVE. (1)(a) Leave taken under this act must be taken concurrently with any leave taken under the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) or under chapter 49.78 RCW.

(b) An employer may require that leave taken under this act be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or employer policy, as applicable, for the birth or placement of a child. The employer must give individuals in its employ written notice of this requirement.

(2)(a) This act does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater leave for the birth or placement of a child.

(b) An individual's right to leave under this act may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this act is void as against public policy.

NEW SECTION. Sec. 7. ADMINISTRATIVE COSTS. Beginning July 1, 2011, the costs of administering this act may not exceed ten percent of the total costs of family and medical leave insurance benefits.

NEW SECTION. Sec. 8. JOINT LEGISLATIVE TASK FORCE. (1)(a) The joint legislative task force on family and medical leave insurance is established, with members as provided in this subsection.

(i) The majority leader of the senate shall appoint three legislative members of the task force, which shall include two members of the largest caucus of the senate and one member of the next largest caucus of the senate.

(ii) The speaker of the house of representatives shall appoint three legislative members of the task force, which shall include two members of the largest caucus of the house and one member of the next largest caucus of the house.

(iii) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint five nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, one member representing women, and one member representing interests in children's early learning and/or health.

(iv) The governor shall appoint one member of the task force.

(b) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint the cochaIRS of the task force from among the legislative members of the task force. The cochaIRS shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force shall advise the cochaIRS on the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family and medical leave insurance program including, but not limited to, the following:

(a) The manner in which the benefits and the administrative costs should be financed;

(b) The manner in which the program should be implemented and administered;

(c) Any government efficiencies which should be adopted to improve program administration and reduce program costs; and

(d) The impacts, if any, of the family and medical leave insurance program on the unemployment compensation system, and options for mitigating such impacts.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

NEW SECTION. Sec. 9. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. EFFECTIVE DATE. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Condotta moved the adoption of amendment (859) to amendment (776):

On page 2, beginning on line 5 of the amendment, strike all of subsection (4) and insert the following:

"(4) "Employee" means a full-time equivalent employee.

(5) "Employer" means: (a) An employer as defined in RCW 50.04.080, which employs fifty or more employees for each working day during each of twenty or more calendar workweeks in the current or preceding calendar year; and (b) the state and its political subdivisions."

Renumber the subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 21 of the amendment, strike all of sections 5 and 6

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Condotta, Chandler, Warnick and Sump spoke in favor of the adoption of the amendment to amendment (776).

Representatives Conway and Dickerson spoke against the adoption of the amendment to amendment (776).

The amendment to amendment (776) was not adopted.

Representative Condotta moved the adoption of amendment (863) to amendment (776):

On page 4, beginning on line 26 of the amendment, strike all of subsection (a) and insert the following:

"(a) The joint legislative task force on family and medical leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, and one member representing women.

(vi) The governor shall appoint one member of the task force."

Representatives Condotta and Conway spoke in favor of the adoption of the amendment to amendment (776).

The amendment to amendment (776) was adopted.

Representative Condotta moved the adoption of amendment (860) to amendment (776):

On page 5, line 21 of the amendment, after "financed" insert the following:

". Options for financing the benefits and the administrative costs must ensure that employers will not bear any costs related to either the family and medical leave insurance program or the unemployment compensation system"

On page 6, line 10 of the amendment, after "2008." insert the following:

"The findings and recommendations of the task force related to the manner in which the benefits and the administrative costs are financed must ensure that employers will not bear any costs related to either the family and medical leave insurance program or the unemployment compensation system."

Representative Condotta spoke in favor of the adoption of the amendment to amendment (776).

Representative Conway spoke against the adoption of the amendment to amendment (776).

The amendment to amendment (776) was not adopted.

Representative Condotta moved the adoption of amendment (861) to amendment (776):

On page 5, line 25 of the amendment, after "costs;" delete "and"

On page 5, line 28 of the amendment, after "impacts" insert the following:

"; and

(e) The impacts of the family and medical leave insurance program on the state's business climate and the ability of the state's employers to be competitive in a global economy"

Representatives Condotta, Schindler and Ahern spoke in favor of the adoption of the amendment to amendment (776).

Representative Conway spoke against the adoption of the amendment to amendment (776).

The amendment to amendment (776) was not adopted.

Representative Condotta moved the adoption of amendment (862) to amendment (776):

On page 1, after line 2 of the amendment, strike all of sections 1 through 10 and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The joint legislative task force on family and medical leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include two members representing business and two members representing labor.

(vi) The governor shall appoint one member of the task force.

(b) One of the legislative members of the task force shall act as the chair for each meeting of the task force. The chair shall alternate between members from the senate and members from the house of representatives. The legislative members of the task force jointly shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force jointly shall plan the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family and medical leave insurance program including, but not limited to, the following:

(a) The purposes of leave for which benefits are payable;

(b) The manner in which such benefits and the administrative costs should be financed;

(c) The manner in which the program should be implemented and administered;

(d) Any government efficiencies which should be adopted to improve program administration and reduce program costs;

(e) The impacts of the family and medical leave insurance program on the unemployment compensation system, and options for mitigating such impacts; and

(f) The impacts of the family and medical leave insurance program on the state's business climate and the ability of the state's employers to be competitive in a global economy.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with

specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

NEW SECTION. Sec. 2. 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."

Representatives Condotta, Chandler, Priest, Wallace spoke in favor of the adoption of the amendment to amendment (776).

Representatives Fromhold, Dickerson spoke against the adoption of the amendment to amendment (776).

An electronic roll call was requested.

The Speaker stated the question before the House to be adoption of amendment (862) to Engrossed Second Substitute Senate Bill No. 5659.

ROLL CALL

The Clerk called the roll on the adoption of amendment (862) to Engrossed Second Substitute Senate Bill No. 5659, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 56, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Morris, Newhouse, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross, Schindler, Strow, Sump, Takko, Wallace, Walsh and Warnick - 41.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers,

Springer, Sullivan, B., Sullivan, P., Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 56.

Excused: Representative Skinner - 1.

Amendment (776) as amended was adopted.

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

Representatives Dickerson, Fromhold, Conway and Kagi spoke in favor of passage of the bill.

Representatives Chandler, Condotta and Walsh 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 Senate Bill No. 5659, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Lantz, Linville, McCune, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Strow, Sump, Takko, Wallace, Walsh and Warnick - 36.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, as amended by the House, having received the necessary constitutional majority, was declared passed.

~STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659 as amended by the House.

PATRICIA LANTZ, 26th District

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

SIGNED BY THE SPEAKER

The Speaker signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1039,
HOUSE BILL NO. 1054,
HOUSE BILL NO. 1064,
HOUSE BILL NO. 1069,
HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1135,
HOUSE BILL NO. 1137,
HOUSE BILL NO. 1218,
HOUSE BILL NO. 1247,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1258,
SUBSTITUTE HOUSE BILL NO. 1338,
HOUSE BILL NO. 1341,
HOUSE BILL NO. 1370,
ENGROSSED HOUSE BILL NO. 1379,
HOUSE BILL NO. 1412,
HOUSE BILL NO. 1416,
HOUSE BILL NO. 1430,
HOUSE BILL NO. 1431,
HOUSE BILL NO. 1447,
SUBSTITUTE HOUSE BILL NO. 1456,
HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1565,
SUBSTITUTE HOUSE BILL NO. 1574,
SUBSTITUTE HOUSE BILL NO. 1642,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1666,
HOUSE BILL NO. 1670,
SECOND SUBSTITUTE HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 1693,
HOUSE BILL NO. 1747,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1826,
HOUSE BILL NO. 1831,
HOUSE BILL NO. 1843,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,
HOUSE BILL NO. 1888,
HOUSE BILL NO. 1939,
SUBSTITUTE HOUSE BILL NO. 1953,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,
HOUSE BILL NO. 1994,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
SUBSTITUTE HOUSE BILL NO. 2130,
HOUSE BILL NO. 2152,
HOUSE BILL NO. 2154,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
SUBSTITUTE HOUSE BILL NO. 2286,
SUBSTITUTE HOUSE BILL NO. 2300,
HOUSE BILL NO. 2319,
HOUSE JOINT MEMORIAL NO. 4016,
ENGROSSED HOUSE JOINT RESOLUTION NO. 4204,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215,

There being no objection, the House adjourned until 10:00 a.m., April 14, 2007, the 97th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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