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**SIXTY-FIRST LEGISLATURE - REGULAR SESSION**

**NINETY THIRD DAY**

House Chamber, Olympia, Tuesday, April 14, 2009

The House was called to order at 1:30 p.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emily Nelson and Jessica Gamble. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Sandra Kreis, St. Christopher's Community Church, Olympia.

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

**MESSAGES FROM THE SENATE**

April 13, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5015,  
SENATE BILL NO. 5356,  
SUBSTITUTE SENATE BILL NO. 5571,  
SUBSTITUTE SENATE BILL NO. 5613,  
SUBSTITUTE SENATE BILL NO. 5776,  
SUBSTITUTE SENATE BILL NO. 5797,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,  
SENATE BILL NO. 6068,  
SENATE JOINT MEMORIAL NO. 8006,  
SENATE JOINT MEMORIAL NO. 8012,  
SENATE JOINT MEMORIAL NO. 8013,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 13, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1063,  
SUBSTITUTE HOUSE BILL NO. 1419,  
HOUSE BILL NO. 1498,  
SUBSTITUTE HOUSE BILL NO. 1505,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649  
SUBSTITUTE SENATE BILL NO. 6088

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

**SECOND READING**

**SENATE BILL NO. 5580, by Senators Pridemore, Brandland, Oemig, Fraser, Shin, Ranker, Rockefeller, Kline, Hargrove, Kauffman, Jarrett, Kohl-Welles, Murray, Marr, McDermott and Tom**

**Concerning school impact fees.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was not adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

Amendment (574) was ruled out of order.

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

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

Representatives Angel and Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5580.

**MOTION**

On motion of Representative Santos, Representative Upthegrove was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5580, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson,

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

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

Excused: Representative Upthegrove.

SENATE BILL NO. 5580, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 5580.  
ED ORCUTT, 18th District

#### SECOND READING

#### SENATE BILL NO. 5028, by Senator Haugen

**Transferring jurisdictional route transfer responsibilities from the transportation improvement board to the transportation commission.**

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 Liias spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5028.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5028 and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

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

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

Excused: Representative Upthegrove.

SENATE BILL NO. 5028, having received the necessary constitutional majority, was declared passed.

#### SENATE BILL NO. 5289, by Senators Ranker, Haugen, Swecker, King, Marr, Jarrett, Hargrove and Shin

**Adding a certain ferry route and roads to the scenic and recreational highway system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 72, March 24, 2009.)

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

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

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5289, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5289, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

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

Voting nay: Representatives Angel, Condotta, Crouse, Ericksen, Haler, Hope, Johnson, Klippert, Kretz, McCune, Orcutt, Parker, Roach, Ross, Shea, Short, Taylor and Warnick.

Excused: Representative Upthegrove.

SENATE BILL NO. 5289, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### SUBSTITUTE SENATE BILL NO. 5360, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Brandland, Franklin, Murray, Brown, Ranker, Fraser, Parlette and Kohl-Welles)

**Establishing a community health care collaborative grant program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the body for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Anderson moved the adoption of amendment (581) to the committee amendment:

On page 2, line 29 of the amendment, after "providers," strike "and"

On page 2, line 29 of the amendment, after "agencies" insert ", and community public health and safety networks, as defined in RCW 70.190.010"

Representatives Anderson and Driscoll spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (581) 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.

Representative Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5360, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5360, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5360, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5367, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senator Kohl-Welles)**

**Creating a spirits, beer, and wine nightclub license and eliminating the cap on spirits, beer, and wine restaurant licenses. Revised for 1st Substitute: Creating a spirits, beer, and wine nightclub license.**

The bill was read the second time.

Representative Conway moved the adoption of amendment (579):

On page 15, line 7, after "after" insert "the"

On page 15, line 7, after "notice" insert "for applications, or at least thirty days prior to the expiration date for renewals"

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

Amendment (579) 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 Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5367, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5367, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5367, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5414, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, King, Oemig and McDermott)**

**Implementing recommendations of the WASL legislative work group. Revised for 1st Substitute: Regarding statewide assessments and curricula.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the body for purpose of amendment. (For committee amendment, see Journal, Day 75, March 27, 2009.)

With the consent of the House, amendment (596) to the committee amendment was withdrawn.

Representative Sullivan moved the adoption of amendment (604) to the committee amendment:

On page 4, line 1 of the amendment, after "(1)" insert "(a)"

On page 4, line 6 of the amendment, after "population." insert "The assessments shall be implemented statewide in the 2010-11 school year.

(b)"

On page 4, beginning on line 12 of the amendment, after "~~mathematics I~~" strike all material through "year" on line 17 and insert "shall be implemented statewide in the 2010-11 school year) for the first year of high school mathematics that include the standards common to algebra I and integrated mathematics I and for the second year of high school mathematics that include the standards common to geometry and integrated mathematics II. The assessments under this subsection (1)(b) shall be used to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning for purposes of RCW 28A.655.061.

(c) The superintendent of public instruction shall also develop subtests for the end-of-course assessments that measure standards for the first two years of high school mathematics that are unique to algebra I, integrated mathematics I, geometry, and integrated mathematics II. The results of the subtests shall be reported at the student, teacher, school, and district level"

Representatives Sullivan and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (604) 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 Sullivan and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5414, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5414, as amended by the House, and the

bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Representatives McCune and Orcutt.

Excused: Representative Upthegrove.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5414, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5574, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kline, Tom, Hargrove, Oemig, Regala, Fairley, McAuliffe, McDermott, Fraser, Shin, Keiser and Kohl-Welles)**

**Protecting consumer data in motor vehicles.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Clibborn moved the adoption of amendment (602):

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) "Recording device" means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within a motor vehicle. "Recording device" includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed related to that motor vehicle. "Recording device" does not include onboard diagnostic systems whose exclusive function is to capture fault codes used to diagnose or service the motor vehicle.

(2) "Owner" means:

(a) A person having all the incidents of ownership, including legal title, of a motor vehicle, whether or not the person lends, rents, or creates a security interest in the motor vehicle;

(b) A person entitled to the possession of a motor vehicle as the purchaser under a security agreement;

(c) A person entitled to possession of a motor vehicle as a lessee pursuant to a written lease agreement for a period of more than three months; or

(d) If a third party requests access to a recording device to investigate a collision, the owner of the motor vehicle at the time the collision occurred.

**NEW SECTION. Sec. 2.** (1) A manufacturer of a motor vehicle sold or leased in this state, that is equipped with one or more recording devices, shall disclose in the owner's manual that the motor vehicle is equipped with one or more recording devices and, if so, the type of data recorded and whether the recording device or devices have the ability to transmit information to a central communications system or other external device.

(2) If a recording device is used as part of a subscription service, the subscription service agreement must disclose the type of information that the device may record or transmit.

(3) A disclosure made in writing is deemed a disclosure in the owner's manual.

(4) If a recording device is to be installed in a vehicle aftermarket, the manufacturer or distributor of the device shall disclose in the product manual the type of information that the device may record and whether the recording device has the ability to transmit information to a central communications system or other external device.

(5) A disclosure made in writing is deemed a disclosure in the product manual.

**NEW SECTION. Sec. 3.** (1) Information recorded or transmitted by a recording device may not be retrieved, downloaded, scanned, read, or otherwise accessed by a person other than the owner of the motor vehicle in which the recording device is installed except:

(a) Upon a court order or pursuant to discovery. Any information recorded or transmitted by a recording device and obtained by a court order or pursuant to discovery is private and confidential and is not subject to public disclosure;

(b) With the consent of the owner, given for a specific instance of access, for any purpose;

(c) For improving motor vehicle safety, including medical research on the human body's reaction to motor vehicle collisions, if the identity of the motor vehicle or the owner or driver of the motor vehicle is not disclosed in connection with the retrieved information;

(d) For determining the need for or facilitating emergency medical response if a motor vehicle collision occurs, provided that the information retrieved is used solely for medical purposes; or

(e) For subscription services pursuant to an agreement in which disclosure required under section 2 of this act has been made, provided that the information retrieved is used solely for the purposes of fulfilling the subscription service.

(2) For the purposes of subsection (1)(c) of this section:

(a) The disclosure of a motor vehicle's vehicle identification number with the last six digits deleted or redacted is not a disclosure of the identity of the owner or driver; and

(b) Retrieved information may only be disclosed to a data processor.

(3) Information that can be associated with an individual and that is recorded or transmitted by a recording device may not be sold to a third party unless the owner of the information explicitly grants permission for the sale.

(4) Any person who violates this section is guilty of a misdemeanor.

**NEW SECTION. Sec. 4.** The legislature finds that the practices covered by this chapter are matters vitally affecting the

public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

**NEW SECTION. Sec. 5.** A manufacturer of a motor vehicle sold or leased in this state that is equipped with a recording device shall ensure by licensing agreement or other means that a tool or tools are available that are capable of accessing and retrieving the information stored in a recording device. The tool or tools must be commercially available no later than ninety days after the effective date of this section.

**Sec. 6.** RCW 46.63.020 and 2008 c 282 s 11 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;
- (23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;
- (24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (25) RCW 46.48.175 relating to the transportation of dangerous articles;
- (26) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (28) RCW 46.52.090 relating to reports by repairmen, stagemen, and appraisers;
- (29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (31) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (32) RCW 46.55.300 relating to vehicle immobilization;
- (33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;
- (34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (35) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (37) RCW 46.61.500 relating to reckless driving;
- (38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (41) RCW 46.61.522 relating to vehicular assault;
- (42) RCW 46.61.5249 relating to first degree negligent driving;
- (43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (44) RCW 46.61.530 relating to racing of vehicles on highways;
- (45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;
- (46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (47) RCW 46.61.740 relating to theft of motor vehicle fuel;
- (48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (50) Chapter 46.65 RCW relating to habitual traffic offenders;
- (51) RCW 46.68.010 relating to false statements made to obtain a refund;
- (52) Section 3 of this act relating to recording device information;

- (53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- ~~((53))~~ (54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- ~~((54))~~ (55) RCW 46.72A.060 relating to limousine carrier insurance;
- ~~((55))~~ (56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
- ~~((56))~~ (57) RCW 46.72A.080 relating to false advertising by a limousine carrier;
- ~~((57))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;
- ~~((58))~~ (59) Chapter 46.82 RCW relating to driver's training schools;
- ~~((59))~~ (60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- ~~((60))~~ (61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.
- NEW SECTION. Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.
- NEW SECTION. Sec. 8.** Sections 1 through 4 and 6 of this act take effect July 1, 2010."
- Correct the title.

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

Amendment (602) 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 and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5574, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5574, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5574, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5725, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)**

**Concerning health benefit plan coverage for organ transplants.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the body for the purpose of amendment. (For committee amendment, see Journal, Day 93, March 26, 2009.)

With the consent of the House, amendments (612), (577) and (609) to the committee amendment were withdrawn.

Representative Cody moved the adoption of amendment (617) to the committee amendment:

On page 1, line 8 of the amendment, after "dollars." strike all material through "transplant." on line 10, and insert "The lifetime limit on transplants shall apply from one day prior to the date of the transplant or the date of hospital admission, for a patient who receives a transplant during the course of a longer hospital stay, through one hundred days after the transplant. Donor-related services may apply to the lifetime limit on transplants any time. The major medical lifetime limit shall apply to health care services provided before and after this time period."

On page 1, line 14 of the amendment, after "Organ" insert "and tissue"

Representatives Cody and Herrera spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (617) 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 Cody and Herrera spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5725, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5725, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5725, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5976, by Senator Haugen**

**Extending tire replacement fees.**

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.

#### POINT OF PARLIAMENTARY INQUIRY

Representative Ericksen: "Senate Bill No. 5976 eliminates the expiration date of the waste tire replacement fee and adds a new purpose for proceeds of the fee – road wear related maintenance on state and local public highways. Mr. Speaker, while the funds raised by this fee are placed into a dedicated account the addition of this new purpose breaks the solid nexus between the fee and limited use of its proceeds, and therefore looks like a general tax increase. The distinction between a fee and a tax increase is lost in this bill. Furthermore, once funds are transferred out of the waste tire removal account and into the motor vehicle account, there is not a mechanism for tracking whether the transferred funds are actually spent on the stated purpose in the bill on road wear related maintenance on state and local public highways.

Mr. Speaker, this bill appears to convert a dedicated fee into a general tax. Does Senate Bill No. 5976 require a two-thirds vote for passage under Initiative 960?"

#### SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative Ericksen has raised a point of parliamentary inquiry as to the number of votes needed on final passage of Senate Bill No. 5976. This requires a determination as to whether the funds raised in the bill constitute a fee, which may be enacted by a simple majority, or a tax, which under the provisions of Initiative 960 may be enacted only with a 2/3 supermajority vote.

The Speaker begins by noting that in 2005, the Legislature enacted a \$1 fee on the retail sale of each new replacement tire to fund the cleanup of waste tire piles. The fee is due to sunset on June 30, 2010.

Senate Bill No. 5976 repeals the sunset and also expands the use of the funds to include road wear related maintenance on state and local highways.

The question then becomes whether there is a sufficient connection between the charge imposed and these two purposes. The Speaker finds that there is a logical and sufficient connection and that the charge imposed is a fee and not a tax.

While not dispositive, the Speaker notes that the President of the Senate reached the same conclusion in a 2007 ruling.

For these reasons, the Speaker rules that a simple majority, 50 votes, is needed for final passage."

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

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5976.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5976 and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace and Warnick.

Excused: Representative Uptegrove.

SENATE BILL NO. 5976, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 5976.

JOHN DRISCOLL, 6th District

### SECOND READING

#### SENATE BILL NO. 6070, by Senator Hatfield

#### Regarding disposal of dredged riverbed materials.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was before the

body for purpose of amendment. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Liias moved the adoption of amendment (603) to the committee amendment:

On page 2, after line 24 of the amendment, insert the following:  
 "(3)(a) Prior to selling or otherwise using any materials under this section for commercial purposes, written notification must be provided by the owners of the lands to the department outlining the type and amount of material that is planned to be sold or otherwise used.

(b) The department shall report to the appropriate committees of the legislature each biennium through the end of the 2015-2017 biennium a summary of any notifications received under (a) of this subsection. The report must include a determination of whether any revenue that would otherwise accrue to the state has been diverted by the provisions of this section and a summation of the diverted amount for the previous biennium. The initial report is due by January 2, 2012, with subsequent reports due by January 2nd of each even-numbered year."

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

Amendment (603) 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 Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6070, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6070, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

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

Voting nay: Representatives Cody, Dunshee, Hudgins, Liias, Nelson, Simpson and Van De Wege.

Excused: Representative Uptegrove.



SENATE BILL NO. 6070, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5270, by Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Swecker, Fairley, Oemig, Tom and Shin)**

**Modifying voter registration provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

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

Representatives Hunt, Appleton, Hurst, Alexander, Green, Flannigan, Miloscia, Kelley and Hasegawa spoke in favor of the passage of the bill.

Representatives Armstrong, Ericksen, Orcutt, Hinkle, Shea, Cox, Angel, Anderson, Haler, Walsh and Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5270, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5270, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

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

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

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5270, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Jacobsen and Kauffman)**

**Eliminating the matching fund requirement for the American Indian endowed scholarship program.**

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 Wallace spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5001.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

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

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

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5001, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5001.

LARRY HALER, 8th District

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5001.

DAN KRISTIANSSEN, 39th District

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5172, by Senate Committee on Higher Education & Workforce Development**

(originally sponsored by Senators Shin, Hobbs, Kastama, McAuliffe, Jarrett, Pridemore, Brown, Keiser, Jacobsen, Kohl-Welles and Kline)

**Establishing a University of Washington center for human rights.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 83, April 4, 2009.)

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5172, as amended by the House.

#### MOTION

On motion of Representative Santos, Representative Flannigan was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5172, as amended by the House, and the bill passed the House by the following vote: Yeas, 75; Nays, 21; Absent, 0; Excused, 2.

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

Voting nay: Representatives Armstrong, Bailey, Chandler, Condotta, Crouse, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5172, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5172.

NORMA SMITH, 10th District

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5285, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, Kauffman and Stevens)**

**Revising procedures for appointment of guardians ad litem.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

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 Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5285, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5285, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5285, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5453, by Senators Kastama and Franklin**

**Defining "principal residence" for the purpose of relocation of a child.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5453, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5453, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Flannigan and Upthegrove.

SENATE BILL NO. 5453, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5501, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles)**

**Concerning the secure exchange of health information.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health & Human Services Appropriations was adopted. (For committee amendment, see Journal, Day 82, April 3, 2009.)

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 Driscoll and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5501, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5501, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5501, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5601, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Franklin)**

**Regulating speech-language pathology assistants.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Committee on Health Care & Wellness as amended by the Committee on Health & Human Services Appropriations was adopted. (For Committee amendments, see Journal, Days 78 and 85, March 30, 2009 and April 3, 2009 respectively.)

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

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

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5601, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5601, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

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

Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

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

Excused: Representatives Flannigan and Upthegrove.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5601, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5642, by Senators Kauffman, Berkey and Sheldon**

**Designating state route number 164 as a highway of statewide significance.**

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 Lias and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5642.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5642 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Representative Van De Wege.

Excused: Representatives Flannigan and Upthegrove.

SENATE BILL NO. 5642, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5732, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Regala and Hargrove)**

**Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5732, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

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

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

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5777, by Senators Murray and Parlette**

**Concerning the Washington state insurance pool.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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 Cody and Herrera spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5777, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5777, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5777, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5804, by Senators Keiser, Franklin, Kohl-Welles and Kline

#### Setting forth the circumstances under which a person qualifies for benefits when voluntarily leaving part-time work.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5804.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5804 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Upthegrove.

SENATE BILL NO. 5804, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5881, by Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Hargrove, Regala, Jarrett and King)

#### Changing provisions involving truancy.

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 Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5881.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5881 and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2.

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

Voting nay: Representatives Angel, Crouse, Klippert, Kretz, McCune, Orcutt, Ross, Shea, Short and Warnick.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5881, having received the necessary constitutional majority, was declared passed.

### MESSAGES FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1264,  
 SUBSTITUTE HOUSE BILL NO. 1397,  
 SUBSTITUTE HOUSE BILL NO. 1413,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1522,  
 SUBSTITUTE HOUSE BILL NO. 2052,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105,  
 HOUSE JOINT MEMORIAL NO. 4000,  
 HOUSE JOINT MEMORIAL NO. 4005,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6108, and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

#### REPORTS OF STANDING COMMITTEES

April 14, 2009

HB 2300 Prime Sponsor, Representative Ericks: Allowing the state lottery to enter into agreements to conduct multistate shared games. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 14, 2009

HB 2327 Prime Sponsor, Representative Linville: Eliminating or reducing the frequency of reports prepared by state agencies. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 14, 2009

HB 2331 Prime Sponsor, Representative Darneille: Concerning the existing document recording fee for services for the homeless. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 14, 2009

SSB 5734 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding tuition at institutions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.067 and 2007 c 355 s 7 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the ~~((2008-09))~~ 2010-11 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3)(a) Beginning with the 2003-04 academic year and ending with the ~~((2008-09))~~ 2010-11 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, each college in the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. Colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with ~~((2009-10))~~ 2015-16, other than summer term, shall be as charged during the ~~((2008-09))~~ 2014-15 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle-income resident law students.

(9) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Priest; Ross and Schmick.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senator Kastama)**

**Modifying provisions of the local infrastructure financing tool program.**

The bill was read the second time.

With the consent of the House, amendment (625) was withdrawn.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5901.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5901 and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

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

Voting nay: Representatives Chase, Condotta, Cox, Hinkle, Kristiansen, Roach, Santos and Shea.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, having received the necessary constitutional majority, was declared passed.

## SENATE BILL NO. 5071, by Senator Jacobsen

**Designating the Olympic marmot the official endemic mammal of the state of Washington.**

The bill was read the second time.

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

Representatives White, Armstrong, Van De Wege, Kenney, Anderson and Springer spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5071.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5071 and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

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

Voting nay: Representatives Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Kretz, Kristiansen, Pearson, Roach, Schmick, Shea and Short.

Excused: Representative Flannigan.

SENATE BILL NO. 5071, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2194, by Representative Appleton****Modifying provisions relating to extraordinary medical placement for offenders.**

The bill was read the second time.

Representative Klippert moved the adoption of amendment (560):

On page 5, beginning on line 23, after "medical care" strike ". However, electronic monitoring shall not be required if the offender is bedridden or is totally dependent on others for mobility." and insert ", in which case, an alternative type of monitoring shall be utilized."

There being no objection, the House deferred action on HOUSE BILL NO. 2194, and the bill held its place on the second reading calendar.

**SECOND READING****SUBSTITUTE SENATE BILL NO. 5723, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Shin and Swecker)****Providing support for small business assistance.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5723, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5723, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

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

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

Voting nay: Representatives Chandler and Taylor.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5723, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8001, by Senators Hatfield and Haugen****Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act.**

The bill was read the second time.

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

Representatives Blake and Chandler spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8001.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Flannigan.

SENATE JOINT MEMORIAL NO. 8001, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5013, by Senators Hargrove, Brandland, Fraser, Hatfield and Parlette****Concerning fees collected by county clerks.**

The bill was read the second time.



There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 71, March 23, 2009.)

Representative Goodman moved the adoption of amendment (621):

On page 3, line 19, after "(4)" insert "(a)"

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

"(b) For preparing a copy of any instrument, document, or file without a seal, the clerk may waive all or part of the fees established in (a) of this subsection for members of the news media as defined in RCW 5.68.010(5)."

Representatives Goodman and Rodne spoke in favor of the adoption of the amendment.

Amendment (621) 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 Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5013, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5013, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SENATE BILL NO. 5013, as amended by the House, having received the necessary constitutional majority, was declared passed.

The House resumed action on HOUSE BILL NO. 2194.

#### SECOND READING

#### HOUSE BILL NO. 2194, by Representative Appleton

#### Modifying provisions relating to extraordinary medical placement for offenders.

Representatives Klippert and Dickerson spoke in favor of the adoption of amendment (560).

Amendment (560) 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 Ericks spoke in favor of the passage of the bill.

Representatives Dammeier and Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2194.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2194 and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 2194, having received the necessary constitutional majority, was declared passed.

#### SUBSTITUTE SENATE BILL NO. 5199, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Morton, Rockefeller and Shin)

#### Modifying provisions regarding the operators of public water supply systems.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environmental Health was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Dunshee moved the adoption of amendment (627):

On page 6, after line 14, insert the following:

**"NEW SECTION, Sec. 8.** A new section is added to chapter 70.119A RCW to read as follows:

A group A water system serving fewer than one hundred connections that purchases water from a water system approved by the department shall measure chlorine residuals at the same time and location of collection for a routine and repeat coliform sample."

Correct the title.

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

Amendment (627) 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 Chase and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5199, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5199, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5199, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, by Senator Hargrove

**Creating a temporary workforce employment and training program. Revised for 2nd Substitute: Revising unemployment compensation and workforce training provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the body for the purpose of amendment. (For amendment, see Journal, Day 75, March 27, 2009.)

Representative Conway moved the adoption of amendment (626) to the committee amendment:

On page 4 of the striking amendment, after line 21, insert the following:

**"Sec. 3.** RCW 50.24.014 and 2007 c 327 s 2 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and section 4, chapter 3, laws of 2009 and the costs under RCW 50.22.150(~~(+0)~~)(11) and section 4(14), chapter 3, laws of 2009. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st."

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (626) to the committee amendment was adopted.

Representative Bailey moved the adoption of amendment (631) to the committee amendment:

On page 7, beginning on line 9 of the amendment, strike all of section 7

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

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

Amendment (631) to the committee amendment was not 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 Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854, by Senate Committee on Ways & Means (originally**

**sponsored by Senators Kilmer, Pridemore, Ranker, Rockefeller, Marr, Fraser, Kohl-Welles, Kline, Murray and Keiser)**

#### **Reducing climate pollution in the built environment.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Rolfes moved the adoption of amendment (630):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

**NEW SECTION. Sec. 2.** The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least- cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy

efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

**NEW SECTION. Sec. 3.** (1) To the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas

emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

**Sec. 4.** RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~((No later than January 1, 1991,))~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework((The Washington state energy code shall be designed to)); and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ~~(require:~~

~~—(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~—(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~—(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;~~

~~—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~—(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);~~

~~—(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~—(vi) Double glazed windows with values not more than U-0.4;~~

~~—(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and~~

~~—(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.~~

~~—(b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~—(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~—(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;~~

~~—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~—(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);~~

~~—(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~—(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;~~

~~—(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and~~

~~—(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.~~

~~—(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.~~

~~—(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.~~

~~(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for,~~

~~ASTM E-774-81 class A or better~~) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

~~((6))~~ (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ~~((1986))~~ 2006 edition, or as amended by the council by rule.

~~((7))~~ (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

~~((8))~~ (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ~~((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.))~~ The director of the department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

**NEW SECTION. Sec. 5.** (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

**NEW SECTION. Sec. 6.** (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order

to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

**NEW SECTION. Sec. 7.** By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

**NEW SECTION. Sec. 8.** (1) The requirements of this section apply to the department of general administration and other qualifying state agencies only to the extent that specific appropriations are provided to those agencies referencing this act or chapter number and this section.

(2) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(3) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(4) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of

each reporting public facility available to the public through the portfolio manager web site.

(5) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(6) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(7) For a reporting public facility that is leased by the state with a national energy performance rating score below seventy-five, a qualifying public agency may not enter into a new lease or lease renewal on or after January 1, 2010, unless:

(a) A preliminary audit has been conducted within the last two years; and

(b) The owner or lessor agrees to perform an investment grade audit and implement any cost-effective energy conservation measures within the first two years of the lease agreement if the preliminary audit has identified potential cost-effective energy conservation measures.

(8)(a) Except as provided in (b) of this subsection, for each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(b) A reporting public facility that is leased by the state is deemed in compliance with (a) of this subsection if the qualifying public agency has already complied with the requirements of subsection (7) of this section.

(9) Schools are strongly encouraged to follow the provisions in subsections (2) through (8) of this section.

(10) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score below fifty. The department of general administration shall establish a process to determine viability.

(11) General administration, in consultation with the office of financial management, shall develop a waiver process for the requirements in subsection (7) of this section. The director of the office of financial management, in consultation with general administration, may waive the requirements in subsection (7) of this section if the director determines that compliance is not cost-effective or feasible. The director of the office of financial management shall consider the review conducted by the department of general administration on the viability of relocation as established in subsection (10) of this section, if applicable, prior to waiving the requirements in subsection (7) of this section.

(12) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance

rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

**NEW SECTION. Sec. 9.** Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW."

Correct the title.

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

Representative Crouse spoke against the adoption of the amendment.

Amendment (630) 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 Rolfes and McCoy spoke in favor of the passage of the bill.

Representative Crouse spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5854, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5854, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6088, by Senate Committee on Transportation (originally sponsored by Senators**

**Fraser, Swecker, Haugen, Eide, Marr, Sheldon, Berkey, Benton and Shin)**

**Addressing commute trip reduction for state agencies.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

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

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

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6088, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6088, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 6088, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5909, by Senators Murray, Kohl-Welles and Zarelli**

**Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5909.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5909 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Representative Hudgins.

Excused: Representative Flannigan.

SENATE BILL NO. 5909, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 with the following amendment:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 31.45.073 and 2003 c 86 s 8 are each amended to read as follows:

(1) No licensee may engage in the business of making small loans without first obtaining a small loan endorsement to its license from the director in accordance with this chapter. An endorsement will be required for each location where a licensee engages in the business of making small loans, but a small loan endorsement may authorize a licensee to make small loans at a location different than the licensed locations where it cashes or sells checks. A licensee may have more than one endorsement.

(2) The termination date of a small loan may not exceed the origination date of that same small loan by more than forty-five days, including weekends and holidays, unless the term of the loan is extended by agreement of both the borrower and the licensee and no additional fee or interest is charged. The maximum principal amount of any small loan, or the outstanding principal balances of all small loans made by ~~((a))~~ all licensees to a single borrower at any one time, may not exceed seven hundred dollars or thirty percent of the gross monthly income of the borrower, whichever is lower.

(3) A licensee that has obtained the required small loan endorsement may charge interest or fees for small loans not to exceed



in the aggregate fifteen percent of the first five hundred dollars of principal. If the principal exceeds five hundred dollars, a licensee may charge interest or fees not to exceed in the aggregate ten percent of that portion of the principal in excess of five hundred dollars. If a licensee makes more than one loan to a single borrower, and the aggregated principal of all loans made to that borrower exceeds five hundred dollars at any one time, the licensee may charge interest or fees not to exceed in the aggregate ten percent on that portion of the aggregated principal of all loans at any one time that is in excess of five hundred dollars. The director may determine by rule which fees, if any, are not subject to the interest or fee limitations described in this section. It is a violation of this chapter for any licensee to knowingly loan to a single borrower at any one time, in a single loan or in the aggregate, more than the maximum principal amount described in this section.

(4) In connection with making a small loan, a licensee may advance moneys on the security of a postdated check. The licensee may not accept any other property, title to property, or other evidence of ownership of property as collateral for a small loan. The licensee may accept only one postdated check per loan as security for the loan. A licensee may permit a borrower to redeem a postdated check with a payment of cash or the equivalent of cash. The licensee may disburse the proceeds of a small loan in cash, in the form of a check, or in the form of the electronic equivalent of cash or a check.

(5) No person may at any time cash or advance any moneys on a postdated check or draft in excess of the amount of goods or services purchased without first obtaining a small loan endorsement to a check casher or check seller license.

**NEW SECTION. Sec. 2.** A new section is added to chapter 31.45 RCW to read as follows:

(1) The director must, by contract with a vendor or service provider or otherwise, develop and implement a system by means of which a licensee may determine:

- (a) Whether a consumer has an outstanding small loan;
- (b) The number of small loans the consumer has outstanding;
- (c) Whether the borrower is eligible for a loan under RCW 31.45.073;
- (d) Whether the borrower is in a payment plan; and
- (e) Any other information necessary to comply with chapter 31.45 RCW.

(2) The director may specify the form and contents of the system by rule. Any system must provide that the information entered into or stored by the system is:

- (a) Accessible to and usable by licensees and the director from any location in this state; and
- (b) Secured against public disclosure, tampering, theft, or unauthorized acquisition or use.

(3) If the system described in subsection (1) of this section is developed and implemented, a licensee making small loans under chapter 31.45 RCW must enter or update the required information in subsection (1) of this section at the time that the small loan transaction is conducted by the licensee.

(4) A licensee must continue to enter and update all required information for any loans subject to chapter 31.45 RCW that are outstanding or have not yet expired after the date on which the licensee no longer has the license or small loan endorsement required by this chapter. Within ten business days after ceasing to make loans subject to chapter 31.45 RCW, the licensee must submit a plan for continuing compliance with this subsection to the director for approval. The director must promptly approve or disapprove the plan and may require the licensee to submit a new or modified plan that ensures compliance with this subsection.

(5) If the system described in subsection (1) of this section is developed and implemented, the director shall adopt rules to set the fees licensees shall pay to the vendor or service provider for the operation and administration of the system and the administration of this chapter by the department.

(6) The director shall adopt rules establishing standards for the retention, archiving, and deletion of information entered into or stored by the system described in subsection (1) of this section.

(7) The information in the system described in subsection (1) of this section is not subject to public inspection or disclosure under chapter 42.56 RCW.

**Sec. 3.** RCW 42.56.230 and 2008 c 200 s 5 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law; (~~and~~)

(5) Personal and financial information related to a small loan or any system of authorizing a small loan in section 1 of this act; and

(6) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid.

**NEW SECTION. Sec. 4.** The director or the director's designee may take the actions necessary to ensure this act is implemented on its effective date.

**NEW SECTION. Sec. 5.** This act takes effect January 1, 2010.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert the following: "amending 31.45.073 and 42.56.230; adding new sections to chapter 31.45 RCW; creating new sections; and providing an effective date".

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

**SENATE AMENDMENT TO HOUSE BILL**

**MOTION**

Representative Bailey moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709.

Representative Bailey spoke in favor of the adoption of the motion to concur in the Senate amendment.

Representative Kirby spoke against the adoption of the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1709.

### ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1709 and the motion was not adopted by the following vote: Yeas, 37; Nays, 60; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

The House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 and asked the Senate to recede therefrom.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

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

### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Hargrove, Jacobsen, Ranker, Fraser, Keiser, Jarrett, Franklin, Shin, Kohl-Welles, Regala, McAuliffe and Kline)**

#### Reducing greenhouse gas emissions.

The bill was read the second time.

### POINT OF PARLIAMENTARY INQUIRY

Representative DeBolt: "Mr. Speaker, House Rule 19 (D) provides that no member shall vote on any question which affects that member privately and particularly.

Mr. Speaker, Section 6 of the striking amendment to Engrossed Second Substitute Senate Bill 5735 specifically impacts a single company in the state. I am an employee of that company with a primary responsibility for seeing that the company complies with state and federal environmental standards.

Section 6 of the amendment, especially subsection (4) of that section, is going to involve significant and direct negotiation between the state and the company. I will be in a position of directing those negotiations on behalf of the company.

My responsibilities with the company are specifically and directly related to the requirements set forth in this bill.

Mr. Speaker, I respectfully request to be excused from voting on this bill."

### SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative DeBolt, the Speaker has considered your request to be excused from voting on Engrossed Second Substitute Senate Bill No. 5735 because the bill affects you privately and particularly as that term is used in House Rule 19(D). The private interest voting bar found in Rule 19 and in Article 2, Section 30 of our state constitution is seldom met.

By constitutional design, ours is a citizen legislature. Members who are also teachers vote on legislation impacting teachers, members who are also lawyers vote on legislation impacting lawyers. Indeed, members from every walk of life bring their own expertise and private interests to the consideration of legislation.

It takes a very unique private and particular interest for a circumstance to be found where a legislator's private interest can be found to be so closely associated with a public bill that the legislator must be excused from voting on that measure.

Representative DeBolt, the Speaker finds that the unique conflicts that you have disclosed do make it necessary for you to refrain from voting on Engrossed Second Substitute Senate Bill No. 5735."

Representative Upthegrove moved the adoption of amendment (624):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS.** The legislature finds that Washington should maintain its leadership on climate change by continuing Washington's participation in the development of any federal or regional programs to reduce greenhouse gas emissions.

The legislature finds that by continuing its participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington maximizes its ability to influence and shape those programs so that they may reflect Washington's emissions portfolio, including the state's hydroelectric system, aid Washington's forest resources and agricultural industries, reduce Washington's expenditures on imported fuels, and create a strong economy.

The legislature further finds that by continuing Washington's participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington has the opportunity to protect Washington families and small businesses from undue financial impacts arising from the transition to a clean energy future, to protect Washington's economy from disadvantages resulting from competition with industries that do not participate in carbon control

efforts, and provide appropriate credit for those businesses that have taken early actions to reduce greenhouse gas emissions.

The legislature further finds that well-designed climate policies should mitigate any impacts on the cost and affordability of food, housing, energy, transportation, and other routine expenses on low and moderate-income people, and ensure that economic benefits are available to both urban and rural communities, and to traditionally underserved communities.

The legislature further finds the continued efforts to reduce greenhouse gases in the transportation sector through the continued development of alternative fuels, improved vehicle technologies, and providing choices that reduce overall vehicle miles traveled to be critical steps in creating jobs, fostering economic growth, and reducing our reliance on foreign petroleum-based transportation fuels.

**NEW SECTION. Sec. 2. NATIONAL AND REGIONAL GREENHOUSE GAS REDUCTION PROGRAMS.** (1) The office of the governor and the department are directed to represent the state's interests in the development of a national program to reduce greenhouse gas emissions. As part of this effort, the department is directed to continue to participate in the western climate initiative to develop a regional program to reduce greenhouse gas emissions. This regional program must be used to influence the national program to reduce greenhouse gas emissions.

(2) In order to provide needed information to the legislature, government agencies, and those persons who are responsible for significant emissions of greenhouse gases so that they may effectively plan for the long-term emissions reductions under RCW 70.235.020, the department shall develop:

(a) Its best estimate of emissions levels in 2012 for persons that the department reasonably believes are responsible for the emission of twenty-five thousand metric tons of carbon dioxide equivalent or greater each year; and

(b) The trajectory of emissions reductions necessary to meet the 2020 requirement of reducing the state's greenhouse gas emissions to 1990 levels.

(3) The department shall develop the estimated 2012 emissions levels and the 2020 reduction trajectories in consultation with business and other interested stakeholders by February 15, 2010. The reduction trajectories must reflect the department's best estimate of each person's proportionate share of the 2020 reductions.

(4) The department shall provide each person with its estimate of the person's 2012 emissions levels and the 2020 reduction trajectory as soon as they are available, but no later than February 15, 2010. Each person or groups of persons representing a sector of Washington's economy may recommend strategies or actions to the department that they believe would achieve the needed reductions. The recommendations must be provided to the department by July 15, 2010.

(5) The department shall provide a report to the legislature by December 31, 2010, that includes the 2012 emissions estimates, the 2020 reduction trajectories, and the strategies and actions, including complementary policies that collectively will achieve the state's 2020 emissions reduction in RCW 70.235.020. The 2020 reduction trajectories must consider each person's use of industry best practices and of fuels that are either carbon neutral or that do not emit greenhouse gases. Consideration may be given to industries whose processes are inherently energy intensive. The report must include a description of any additional authority that is needed to implement the identified strategies or actions. The report must also include an assessment of the state's emission sources and sectors where

emissions reductions cannot be realized and the sources or sectors are necessary to ensure the economic viability of the state.

(6) For purposes of this section, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood byproducts, including pulping liquor, and wood residuals may not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

**NEW SECTION. Sec. 3. ACCOUNTABILITY.** The governor shall designate an existing full-time equivalent position as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with this designee. This position must be funded from current full-time equivalent allocations without increasing budgets. If duties must be shifted in the agency, they must be shifted to current full-time equivalent allocations.

**NEW SECTION. Sec. 4. STATE OFFSET POLICIES.** (1) The state shall begin to develop policy criteria for offset projects that will recognize the role of forestry and agriculture in sequestering and storing carbon dioxide. These policy criteria may only be implemented in the context of a national or regional climate change program that establishes an enforceable cap on emissions of greenhouse gases. The final policy recommendations required under this section must be submitted to the legislature by December 31, 2010.

(2) The department shall develop state policies for:

(a) Forestry offset projects within Washington in consultation with the department of natural resources and the forest carbon working group; and

(b) Agriculture offset projects in consultation with Washington State University, the department of agriculture, and the agriculture carbon working group.

(3) In developing the forestry offset project policy under subsection (2)(a) of this section, the agencies and the forest carbon working group shall use the 2008 report of the forest carbon working group as the starting point and should consider:

(a) Specific standards and guidelines that will support carbon accounting in managed forests participating in an offset program;

(b) Recognition of management activities that increase carbon stocks including, but not limited to, thinning, lengthening rotations, increased retention of trees after harvest, fertilization, genetics, timber stand improvement, fire management, and specific site class and productivity of a managed forest;

(c) Specific standards and guidelines to support wood products accounting, recognizing that carbon is stored in products after trees are harvested, including the use of the one hundred year method which estimates the amount of carbon stored in the wood products that are projected to remain in use after one hundred years;

(d) Guidelines on how transfer of development right projects and other land use and urban forestry techniques that reduce the loss of forests may be used to create forestry offset projects;

(e) Guidelines on how forestry offset projects and forestry financial incentive programs can work together so that Washington's forest landowners will not be disadvantaged in comparison to other jurisdictions participating in a national or regional cap and trade program;

(f) How to verify or certify carbon stocks in a manner that will not be administratively burdensome; and

(g) Specific standards for how landowners that are no longer able or willing to meet their offset obligations may opt out of the program. Such a mechanism must require the landowner to procure

other allowances or offsets equal to the offsets issued under the management plan for any offsets they have sold and surrender those offsets, and any unsold offsets, to the state.

(4) In developing the agricultural offset project policy under subsection (2)(b) of this section, the agencies and the agriculture carbon working group should consider:

(a) A process and timeline to survey, catalog, and map Washington soils in a manner that describes the carbon soil sequestration level of the soils; and

(b) Activities that would increase carbon sequestration in soils and therefore potentially qualify as offset projects.

**NEW SECTION. Sec. 5. FINANCIAL INCENTIVES FOR FORESTRY.** The department of ecology, in consultation with the department of natural resources and the forest carbon working group, shall develop and deliver to the legislature by December 31, 2010, recommendations for financial incentives for forestry and forest products that will recognize and encourage forest land management and use of forest products that will maintain or increase carbon sequestration, including, but not limited to:

(1) Thinning, lengthening of rotations, increased retention of trees at harvest, fertilization, genetics, timber stand improvement, and fire management;

(2) Production of wood products while maintaining or increasing carbon stocks on the ground; and

(3) Retention of high carbon stocks where there is no obligation to retain such stocks.

**NEW SECTION. Sec. 6.** A new section is added to chapter 70.94 RCW to read as follows:

**STANDARDS FOR COAL-FIRED POWER PLANTS.** (1) This section only applies to coal-fired power plants within Washington that burn over one million tons of coal per year.

(2) Coal-fired power plants must meet the greenhouse gas emissions performance standards under RCW 80.80.040(1) by December 31, 2025.

(3) The state shall not require early or additional reductions of greenhouse gas emissions for coal-fired power plants except as may be required for these plants under a federal program or unless they become the subject of long-term financial commitments as provided in RCW 80.80.040(2).

(4) If a coal-fired power plant reduces its total annual greenhouse gas emissions below the plant's baseline emissions before the effective date of any future requirement to reduce emissions, including the requirement in subsection (2) of this section, the state shall advocate for appropriate early action credit under future climate change programs that require reductions in greenhouse gas emissions from the plants.

(5) For purposes of subsection (4) of this section, the baseline emissions for a coal-fired power plant is the plant's total annual emissions of greenhouse gases in calendar year 2005. The baseline emissions established in this subsection does not set nor otherwise create a precedent for establishing baseline emissions for any other sector or person subject to any future requirement to reduce greenhouse gas emissions.

**NEW SECTION. Sec. 7.** A new section is added to chapter 47.38 RCW to read as follows:

**ALTERNATIVE FUELS CORRIDOR PILOT.** (1) As a necessary and desirable step to encourage public and private investment in both electric vehicle infrastructure and alternative fuel distribution infrastructure, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies, and providing alternative fuel distribution sites.

(2) To the extent permitted under federal programs, rules, or law, the department of transportation shall pursue partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. The department of transportation shall strive to have the partnership agreement in place by June 30, 2010. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department of transportation;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling and recharging services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department of transportation is not responsible for providing capital equipment or operating refueling or recharging services. The department of transportation must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature at least every biennium.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.19 RCW to read as follows:

**ELECTRIFICATION OF THE WEST COAST INTERSTATE.**

(1) The office of the governor, in consultation with the department of community, trade, and economic development, the department of ecology, the department of general administration, the department of transportation, and Washington State University, shall develop a project for the electrification of the west coast interstate and associated metropolitan centers.

(2) The project should be developed in collaboration with representatives of Oregon and California, the federal government, and the private sector, as appropriate.

(3) The state shall seek federal funds for purchasing electric vehicles and the installation of public infrastructure for electric and other high-efficiency, zero or low-carbon vehicles. The department of ecology shall also seek funds to expand the network of truck stop electrification facilities and port electrification facilities.

**Sec. 9.** RCW 47.80.030 and 2005 c 328 s 2 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a (~~least-cost~~) planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers

with regard to responsibility for, and the coordination between, services and facilities.

(2) Beginning December 1, 2011, regional transportation planning organizations that encompass at least one county planning under RCW 36.70A.040 with a population greater than two hundred forty-five thousand must adopt a regional transportation plan that, when implemented, reduces greenhouse gas emissions, including achieving the benchmarks under RCW 47.01.440 to reduce annual per capita vehicle miles traveled in those counties. In the case of a county with a population greater than two hundred forty-five thousand that is a member of more than one regional transportation planning organization, the regional transportation planning organization with the larger overall population must carry out the requirements of this subsection.

(3) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

~~((3))~~ (4) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

(5) The department shall submit a report on progress made under RCW 47.01.440 to the appropriate committees of the legislature by December 1, 2011.

**Sec. 10.** RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

~~(1)~~ (1) (Effective) By June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) The department of general administration is directed to work with California, Oregon, other states, federal agencies, local governments, and private fleet owners to encourage aggregate purchasing of electric vehicles to the maximum extent possible.

(3) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

**NEW SECTION. Sec. 11. TRIBAL GOVERNMENTS.** (1) The department must consult with tribal governments upon request on elements of the state's climate change program that may impact tribal governments, such as their voluntary development of offset projects.

(2) Nothing in this section is intended to expand state authority over Indian country as that term is defined in 18 U.S.C. Sec. 1151.

**NEW SECTION. Sec. 12.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 13.** Sections 1 through 4 and 11 of this act are each added to chapter 70.235 RCW.

**NEW SECTION. Sec. 14.** 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."

Correct the title.

Representative Anderson moved the adoption of amendment (639) to amendment (624):

On page 2, line 6 of the amendment, after "(1)" insert "(a)"

On page 2, after line 12 of the amendment, insert the following:

"(b) Prior to implementing any market mechanism to reduce greenhouse gas emissions in Washington, the governor must have the policy reviewed by national experts familiar with speculation, fraud, creating private markets, and derivative markets, such as the Chicago mercantile exchange, the New York stock exchange, the national association of securities dealers automated quotations, and the United States securities and exchange commission. The public must be given an opportunity to comment on the review."

Representatives Anderson, Haler and Ericksen spoke in favor of the adoption of the amendment to amendment (624).

Representatives Upthegrove and Rolfes spoke against the adoption of the amendment to amendment (624).

Amendment (639) to amendment (624) was not adopted.

Representative Anderson moved the adoption of amendment (640) to amendment (624):

On page 2, line 6 of the amendment, after "(1)" insert "(a)"

On page 2, after line 12 of the amendment, insert the following:

"(b) The department is not authorized to issue new rules resulting from its participation in the western climate initiative. All western climate initiative program elements must be submitted to the legislature prior to the department enacting rules on the western climate initiative program elements."

Representatives Anderson, Herrera, Haler, Ericksen, Short and Orcutt spoke in favor of the adoption of the amendment to amendment (624).

Representatives Dickerson and Morris spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (640) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (640) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 55; Absent, 0; Excused, 2.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson,

O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (640) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (646) to amendment (624):

On page 2, line 6 of the amendment, after "(1)" strike all material through "(2)" on line 13 and insert "(a) The office of the governor and the department are directed to represent the state's interest in the development of a national program to reduce greenhouse gas emissions. These efforts must protect Washington's interests without influence from any decisions made as part of the western climate initiative, and reflect Washington's manufacturing, hydroelectric, forestry, and agricultural interests.

(b) The office of the governor and the department may continue to participate and monitor efforts to create a regional cap and trade program with the following guidance:

(i) Allowances under any proposed cap and trade program may not be auctioned without prior approval of the legislature;

(ii) Cost containment and market design mechanisms must be included in any system to protect the state's economy from volatile and escalating costs of allowances or offsets and market manipulation;

(iii) The threshold for regulation will not be reduced below twenty-five thousand metric tons of carbon dioxide equivalents annually;

(iv) The point of regulation will be imposed on the entity that has control over emissions;

(v) The point of regulation will be placed on stationary sources within Washington to better enable integration with the federal system;

(vi) New entrants must be encouraged, but not to the detriment of existing entities and sectors; and

(vii) Mechanisms and regulations must not place Washington industries at a competitive disadvantage among member states.

(2) The department is not authorized to issue any new rules implementing any elements of proposals for a regional greenhouse gas reduction strategy or cap and trade policy without prior legislative direction.

(3)"

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

Representatives Short and Short (again) spoke in favor of the adoption of the amendment to amendment (624).

Representative Rolfes spoke against the adoption of the amendment to amendment (624).

Amendment (646) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (657) to amendment (624):

On page 2, line 12 of the striking amendment, after "emissions." insert "The state's participation in the western climate initiative does

not commit the state to implementing a regional cap and trade program."

On page 2, line 17 of the striking amendment, after "department" insert ", in cooperation and consultation with industry,"

On page 2, line 22 of the striking amendment, after "(b)" strike "The" and insert "Its best estimate of the"

On page 2, line 24 of the striking amendment, after "levels." strike all of subsections 3 through 5 and insert the following:

"(3) By January 31, 2011, the department shall develop the estimated 2012 emissions levels and the 2020 reduction trajectories in consultation with business and other interested stakeholders based upon the greenhouse gas emissions reports for calendar year 2009 submitted to the department by owners and operators consistent with RCW 70.94.151 and the department's regulations for reporting emissions of greenhouse gases. The reduction trajectories must reflect the department's best estimate of each covered entity's proportionate share of the 2020 reductions and must consider each covered entity's use of industry best practices since 1990 and of fuels that are either carbon neutral or that do not emit greenhouse gases or avoid greenhouse gas emissions, such as installation of more energy efficient machinery, and investments in energy efficiency measures. The emission levels and trajectories must be calculated in order to reflect and provide credit for documented emissions reductions already achieved, and as appropriate, on a "per unit of production" basis. Consideration shall be given to industries whose processes are inherently energy intensive and industries that cannot reduce their emissions based on commercially available technology.

(4) The department shall provide each covered entity with its estimate of the covered entity's 2012 emissions levels and the 2020 reduction trajectory as soon as they are available, but no later than November 15, 2010. Each person or groups of persons representing each sector of Washington's economy that would be affected by this section may: (a) submit comments responding to the department's estimates; and (b) recommend strategies or actions, including recognition of early action to the department that they believe would achieve the needed emissions reductions. The department shall consult with other state agencies with regulatory authority over a sector of Washington's economy regarding strategies or actions to achieve emission reductions in the affected sector. The comments and recommendations must be provided to the department by December 15, 2010.

(5) The department shall provide a report to the legislature by January 31, 2011 that includes the estimated 2012 emissions levels, the 2020 reduction trajectories, and the strategies and actions, including complementary and national policies that collectively will achieve the state's 2020 emissions reduction in RCW 70.235.020. The report must also include a description of: (a) the department's existing authorities to regulate greenhouse gas emissions; and (b) additional authority that is needed to implement the identified strategies or actions."

On page 3, line 17 of the striking amendment, after "residuals" strike "may" and insert "shall"

Representatives Short, Short (again) and Anderson spoke in favor of the adoption of the amendment to amendment (624).

Representative Upthegrove spoke against the adoption of the amendment to amendment (624).

Amendment (657) to amendment (624) was not adopted.

Representative Orcutt moved the adoption of amendment (659) to amendment (624):

On page 2, line 12 of the striking amendment, after "emissions." insert the following:

"The department must not make recommendations to the legislature for policies that can be manipulated by the government or other participants to the detriment of the citizens of Washington. The department is prohibited from implementing systems that would create a derivative market."

Representatives Orcutt, Haler, Haler (again), Orcutt (again), Rodne and Ericksen spoke in favor of the adoption of the amendment to amendment (624).

Representatives Upthegrove and Morris spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (659) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (659) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 55; Absent, 0; Excused, 2.

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

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

Excused: Representatives DeBolt and Flannigan.

Amendment (659) to amendment (624) was not adopted.

Representative Shea moved the adoption of amendment (651) to amendment (624):

On page 2, line 13 of the amendment, after "(2)" insert "(a) As part of representing the state's interests in the development of a national program to reduce greenhouse gas emissions, the governor and the department must adhere to assuring that any national program to reduce greenhouse gas emissions must provide incentives for green jobs. "Green jobs" includes jobs that are related to new technology developments in clean energy, including industries involving agriculture, forestry, wind, water, nuclear, solar, and biomass. These jobs include the manufacturing and servicing of parts and facilities used specifically in these industries.

(b) "Green jobs" does not include: Government employees; property, real estate, and community-association employees; social and community service employees; accountants and auditors; appraisers and assessors of real estate; personal financial advisors; loan officers; computer support specialists; network computer systems administrators; statisticians; surveyors; economists; market research analysts; urban and regional planners; anthropologists and archaeologists; social science research assistants; life, physical, and social science technicians; social and human service assistants; lawyers; professors, teachers, or instructors at educational institutions; library workers; fine artists; interior designers; explosive workers, ordinance handling experts, and blasters; public relations specialists; editors; writers; firefighting prevention workers unless employed by a clean technology facility; janitors and cleaners; pest control workers; nonfarm animal caretakers; tour guides and escorts; utility meter readers; cement masons and concrete finishers; automotive body and related repairers; automotive service technicians and mechanics; bus and truck mechanics; mobile heavy equipment mechanics; mechanical door repairers; air traffic controllers; drivers of any type of fossil fuel-powered vehicle; traffic technicians; and cleaners of vehicles and equipment.

(3)"

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

Representatives Shea and Klippert spoke in favor of the adoption of the amendment to amendment (624).

Representative Upthegrove spoke against the adoption of the amendment to amendment (624).

Amendment (651) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (637) to amendment (624):

On page 2, line 27 of the striking amendment, strike "February 15, 2010" and replace with "no later than six months after the deadline for private industry emissions reports required by section 5(5) of Chapter 14, laws 2008."

On page 2, line 32 of the striking amendment, strike ", but no later than February 15, 2010"

On page 2, line 35 of the striking amendment, after "reductions." strike all material through "2010." on line 36

On page 3, line 2 of the striking amendment, strike "December 31, 2010" and insert "December 1 of the year in which private business reports of emissions are submitted to the department"

On page 11, line 9 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 12.** No state agency may require any person, business, organization, vehicle fleet owner, or entity to report greenhouse gas emissions until final regulations have been enacted detailing how greenhouse gas emissions are to be tracked, verified, and the complete reporting process established. Tracking of emissions may start thirty days after the final regulation adoption date. The department may set a date one year after adoption of regulations to replace prior deadlines set by legislative directives for greenhouse gas emissions reporting."

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

Correct the title.

Representatives Short, Short (again) and Orcutt spoke in favor of the adoption of the amendment to amendment (624).

Representatives Kenney and Morris spoke against the adoption of the amendment to amendment (624).

Amendment (637) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (641) to amendment (624):

On page 2, line 32 of the striking amendment, after "later than" strike "February" and insert "April"

Representative Short spoke in favor of the adoption of the amendment to amendment (624).

Representative Jacks spoke against the adoption of the amendment to amendment (624).

Amendment (641) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (642) to amendment (624):

On page 3, line 19 of the striking amendment, after "increased." insert the following:

"(7) New policies that reduce greenhouse gas emissions shall reduce emissions without increasing electricity or gasoline prices or increasing the overall burden on consumers through the use of revenues and policies provided for by legislation."

Representative Short spoke in favor of the adoption of the amendment to amendment (624).

Representative Seaquist spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (642) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (642) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 56; Absent, 0; Excused, 2.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson,



O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (642) to amendment (624) was not adopted.

Representative Kristiansen moved the adoption of amendment (647) to amendment (624):

On page 3, after line 19 of the amendment, insert the following:

**"NEW SECTION. Sec. 3. ECONOMIC ANALYSIS.** The office of financial management, in consultation with the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate, shall initiate an independent economic analysis of the impact to Washington consumers, businesses, and citizens assuming Washington implements a program to reduce greenhouse gas emissions by the levels stated in RCW 70.235.020. The economic analysis must be submitted to the legislature by December 15, 2009, and updated each year until 2020. The economic analysis must include:

(1) The economic impact sector by sector, including the impact to the agricultural sector, forest products manufacturing sector, Washington's port districts, and industries that consume large amounts of electricity;

(2) How to address trade competition from countries and states that are not participating in a greenhouse gas emission reduction program, including a cap and trade program;

(3) The impact on the cost and affordability of food, housing, energy, transportation, including gasoline and diesel fuel, and other routine expenses; and

(4) The capital investment necessary, and the impact on the wholesale cost of electricity, to reduce output from fossil fuel generation in Washington, assuming no loss of electrical generation and expected reduction of gross domestic product."

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

Representatives Kristiansen, Rodne, Haler, Anderson, Angel, Armstrong, Orcutt, Ericksen and Haler (again) spoke in favor of the adoption of the amendment to amendment (624).

Representatives Morris and Upthegrove spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (647) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (647) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 54; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse,

Dammeier, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

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

Excused: Representatives DeBolt and Flannigan.

Amendment (647) to amendment (624) was not adopted.

Representative Orcutt moved the adoption of amendment (648) to amendment (624):

On page 3, after line 19 of the amendment, insert the following:

**"NEW SECTION. Sec. 3.** (1) The department must consider job losses that may occur as a result of implementing new greenhouse gas reduction programs.

(2) The governor must ensure there is no net loss of jobs at comparable wage or better under any greenhouse gas reduction program implemented in Washington."

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

Representatives Orcutt, Short and Klippert spoke in favor of the adoption of the amendment to amendment (624).

Representatives Morris and Upthegrove spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (648) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (648) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 55; Absent, 0; Excused, 2.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Simpson, Springer, Sullivan, Takko,

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

Excused: Representatives DeBolt and Flannigan.

Amendment (648) to amendment (624) was not adopted.

With the consent of the House, amendment (643) to amendment (624) was withdrawn.

Representative Liias moved the adoption of amendment (655) to amendment (624):

On page 5, line 30 of the striking amendment, after "December 31," strike "2025" and insert "2020"

On page 5, line 31 of the striking amendment, after "(3)" strike all material through "(4)" on page 6, line 1

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

Representative Liias spoke in favor of the adoption of the amendment to amendment (624).

Representatives Haler, Short, Anderson, Klippert, Alexander and Upthegrove spoke against the adoption of the amendment to amendment (624).

Amendment (655) to amendment (624) was not adopted.

With the consent of the House, amendment (644) to amendment (624) was withdrawn.

Representative Shea moved the adoption of amendment (649) to amendment (624):

On page 8, beginning on line 4 of the striking amendment, strike all of section 9 and insert the following:

**"NEW SECTION, Sec. 9.** (1) The department of ecology in cooperation with the Washington department of transportation, shall convene a stakeholder group comprised of legislators from both houses of the largest two caucuses of the legislature, cities, counties, regional transportation planning organizations, business and environmental representatives for the purposes of continuing the work of the transportation implementation working group developing alternatives necessary to meet the overall state greenhouse gas emissions reductions established in RCW 70.235.020 from the transportation sector.

(2) The Washington department of transportation shall report to the legislature by September 30, 2010 on the following:

(a) What percentage of emissions from the transportation sector have already been achieved by the current downturn in the economy as a result of fewer vehicle miles traveled;

(b) What additional measures should be considered in reducing emissions from the transportation sector, including policies that will reduce vehicle miles traveled; and

(c) The probable impacts to the citizens of the state, the economy, employment, and reduced annual tax dollars to the state from the sale of transportation fuels that will result in the implementation of policies designed to meet the goals of RCW 47.01.440."

Representative Shea spoke in favor of the adoption of the amendment to amendment (624).

Representative Rolfes spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (649) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (649) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 53; Absent, 0; Excused, 2.

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

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

Excused: Representatives DeBolt and Flannigan.

Amendment (649) to amendment (624) was not adopted.

Representative Eddy moved the adoption of amendment (660) to amendment (624):

On page 10, beginning on line 19 of the striking amendment, strike all of subsection 5 and insert the following:

"(5)(a) The department of ecology, in cooperation with the Washington department of transportation, shall convene a stakeholder group comprised of legislators from the largest two caucuses of both houses of the legislature, cities, counties, regional transportation planning organizations, business, and environmental representatives for the purposes of continuing the work of the transportation implementation working group in developing alternatives necessary to meet the overall state greenhouse gas emissions reductions established in RCW 70.235.020 from the transportation sector.

(b) The members of the legislatures serving on the stakeholder group in subsection (a) of this section shall be appointed by the speaker of the house of representatives and the president of the senate.

(6) The Washington department of transportation shall report to the legislature by September 30, 2010, with findings on recent trends in levels of vehicle miles traveled state-wide and projections of future trends; what additional strategies should be considered in reducing emissions from the transportation sector, including policies that will reduce vehicles miles traveled, including strategies to address low and no-emission vehicles; and determination of the probable environmental and economic costs and benefits to the state and its citizens from the reduction of vehicle miles traveled in

implementation of policies designed to meet the goals of RCW 47.01.440."

Representative Eddy spoke in favor of the adoption of the amendment to amendment (624).

Representative Short spoke against the adoption of the amendment to amendment (624).

### COLLOQUY

Representative Priest: "Is it the intent of the Legislature that the stakeholder process and the report back to the Legislature as outlined in amendment (660) form the basis of the regional transportation plan to be developed by the Regional Transportation Planning Organizations?"

Representative Eddy: "The answer is yes, that is the intent."

Amendment (660) to amendment (624) was adopted.

Representative Anderson moved the adoption of amendment (638) to amendment (624):

On page 11, after line 8 of the amendment, insert the following: **"NEW SECTION. Sec. 12.** Any greenhouse gas reduction policies implemented in Washington must take into consideration the loss of baseload electrical generation. For any reduction of baseload electrical generation capacity resulting from implementation of greenhouse gas reduction policies, the office of the governor and the department of ecology must ensure government policies are in place that will ensure new baseload generation capacity to achieve sufficient levels of reliable generation to satisfy the ten-year projection levels established by the United States energy information administration."

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

Representative Anderson spoke in favor of the adoption of the amendment to amendment (624).

Representative Morris spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (638) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (638) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune,

Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

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

Excused: Representatives DeBolt and Flannigan.

Amendment (638) to amendment (624) was not adopted.

With the consent of the House, amendment (650) to amendment (624) was withdrawn.

Representative Ericksen moved the adoption of amendment (656) to amendment (624):

On page 1, line 3 of the striking amendment, after "FINDINGS." Strike all material through "title." on page 11, line 17 and insert "Washington is already a leader in promoting the development of alternative energy resources and new technology that improves the health of our environment. The legislature further finds that Washington represents only three-tenths of one percent of the world's total greenhouse gas emissions.

The legislature further finds that climate change policies should address climate change adaptation strategies and ensure that greenhouse gas reduction policies do not conflict with the need to increase water storage, increase reliable electrical capacity, improve flood control mechanisms, and adopt forest management practices that proactively reduce forest fires and bark beetle infestation.

To help move Washington forward with positive solutions, Washington commits to the following:

(1) A bold new energy future that will protect our quality of life, provide future generations with expanded opportunities, and lay the foundation for expanded economic growth;

(2) Reducing dependence on foreign energy supplies through increased domestic production and technological advancement;

(3) Mobility freedom and the American dream of home ownership;

(4) Allowing citizens real options for moving between cities by construction of a high speed rail network connecting Seattle to Spokane and Bellingham to Vancouver.

(5) Maximizing private sector funding and private sector innovation while building a energy and transportation infrastructure for the future;

(6) Creating a business climate that promotes innovation and maximizes research and development into new technologies;

(7) Protecting citizens from excessive government regulations and high taxes; and

(8) The wise use of regulations to protect citizens from exploitation by corporate interests or governmental manipulation.

Washington can let individual and employer innovation drive the state to new technologies that reduce emissions and improve our quality of life. This is a climate action strategy built on real promises without hurting Washington's economy and raising costs for consumers.

**NEW SECTION. Sec. 2. CARBONLESS ENERGY PARKS.**

(1) Washington shall commit to the formation of one carbonless

energy park and the construction of four next generation nuclear generation facilities by 2050. The legislature finds that advances in technology have created opportunities for establishing additional nuclear-generated power in Washington. Nuclear-generated power has the potential to increase utilization of alternative energy, including providing additional power for converting Washington's motor vehicle fleet to electric cars and reducing greenhouse gas emissions. The legislature intends to expedite the licensing, permitting, and regulatory processes for establishing additional nuclear-generated power in Washington through the creation of carbonless energy parks.

(2) A joint legislative task force on carbonless energy parks is established, with nine members as provided in this subsection:

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

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(C) The governor shall appoint five members, including representatives from the executive branch and the nuclear industry.

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

(3) The task force shall study establishment of one carbonless energy park in Washington for additional nuclear-generated power in Washington including, but not limited to, the following:

(a) An examination of advanced nuclear power reactors including, but not limited to, generations III and IV nuclear technologies;

(b) A review of the advanced nuclear technologies that are in operation in other countries;

(c) An examination of the methods by which spent fuel may be recycled, converted, or disposed of;

(d) A review of the safety issues associated with operating and maintaining advanced nuclear power reactors;

(e) The estimated cost per kilowatt hour of nuclear energy generated by an advanced nuclear power reactor as compared to other energy resources, such as wind, solar, and hydroelectric;

(f) An examination of the licensing, permitting, or other regulatory costs associated with constructing an advanced nuclear power reactor in the state and methods to expedite the licensing, permitting, and regulatory compliance processes;

(g) A review of potential federal tax incentives that may be available to support advanced nuclear power reactor projects in Washington;

(h) A review of integrating additional nuclear generation into the electric grid;

(i) Maximizing private investment in additional nuclear generation; and

(j) Quantification of greenhouse gas reductions resulting from additional nuclear generation.

(4) Staff support for the task force will be provided by 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.

(5) Legislative members of the task force shall 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.

(6) The expenses of the task force must be paid jointly by the senate and 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.

(7) The task force shall report its findings and recommendations to the legislature by December 1, 2010.

(8) This section expires July 1, 2011.

**NEW SECTION. Sec. 3. HIGH-SPEED RAIL.** (1)

Washington shall commit to the construction of a high-speed rail network. A joint select committee on high-speed rail is established. The committee shall consider, but is not limited to, developing a plan to build and finance a high-speed rail network running from Bellingham to Vancouver, Washington and from Seattle to Spokane.

(2) The speaker of the house of representatives and the majority leader of the senate shall select two members from each of the two largest caucuses in the house of representatives and each of the two largest caucuses in the senate to serve on the committee.

(3) The committee may seek assistance from other members of the senate and the house of representatives and other interested parties to provide advice and technical assistance.

(4) Staff support for the committee must be provided by the house of representatives office of program research and the senate committee services.

(5) Legislative members of the committee may be reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the committee must be paid jointly by the senate and the house of representatives within existing funds. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The committee shall examine and analyze the following items:

(a) The best available technology for a high-speed rail network based on the following criteria:

(i) Cost per mile for operation and construction;

(ii) Long-term costs;

(iii) Best top speed;

(iv) Flexibility;

(v) Ability to handle freight cargo;

(vi) Energy consumption; and

(vii) Reliability;

(b) Identification of potential rights-of-way and routes for new construction;

(c) Identification of public-private financing opportunities including:

(i) Design/build/operate;

(ii) Sale of development rights;

(iii) The potential for private ownership of all or portions of a new rail system, the operations of a rail system, and operations of ancillary services associated with the rail line; and

(iv) Potential operating costs and public subsidies;

(d) Examination of opportunities to co-locate high-speed rail network tracks with a new power grid infrastructure;

(e) Quantification of economic development potential of constructing new rail lines; and

(f) Quantification of greenhouse gas reductions resulting from the establishment of high-speed rail in Washington.

(8) The committee shall report its findings and recommendations to the transportation committees of the house of representatives and the senate by December 1, 2010.

(9) This section expires July 1, 2011.

**NEW SECTION. Sec. 4.** The legislature shall commit to recognizing hydropower as a renewable resource and investments in other renewable resources and conservation as contributions to the reduction of greenhouse gas emissions.

**Sec. 5.** RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No. 937, approved November 7, 2006) are each amended to read as follows:

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

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution and includes investment by a qualifying utility in smart grid technology.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of community, trade, and economic development or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource ~~((other than fresh water that commences operation after March 31, 1999;))~~ where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state ~~((on a real-time basis without shaping, storage, or integration services; or~~

~~— (b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments)).~~

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the

generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth ~~((or first-growth))~~ forests where the clearing occurred after December 7, 2006; ~~((and))~~ (i) byproducts of pulping or wood manufacturing processes that are not derived from old growth forests, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (j) wooden demolition or construction debris; (k) black liquors derived from algae and other sources; and (l) biomass energy based on animal waste, food waste, yard waste, or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) ~~((black liquor byproduct from paper production; (iii)))~~ wood from old growth forests; or ~~((iv))~~ (iii) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

**Sec. 6.** RCW 19.285.040 and 2007 c 1 s 4 (Initiative Measure No. 937, approved November 7, 2006) are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards meeting the biennial conservation target in the same manner as other conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources ~~((or))~~, acquire equivalent renewable energy credits, or use conservation under subsection (1) of this section, or a combination of ~~((both))~~ these options, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) The requirements of this section may be met for any given year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.

(f) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; or

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

(g) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

(h)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

(i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(j) A qualifying utility that invests in smart grid technology may count that investment at three times its base value.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

**NEW SECTION. Sec. 7.** The legislature shall commit the life sciences discovery fund created in RCW 43.350.070 to new technologies and efforts to reduce greenhouse gas emissions.

**Sec. 8.** RCW 43.350.030 and 2005 c 424 s 4 are each amended to read as follows:

In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(1) Use public moneys in the life sciences discovery fund, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote life sciences research;

(2) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities other than the state to receive moneys in consideration of the authority's promise to leverage those moneys with amounts received through appropriations from the legislature and contributions from other public entities and private entities, in order to use those moneys to promote life sciences research. Nonstate moneys received by the authority for this purpose shall be deposited in the life sciences discovery fund created in RCW 43.350.070;

(3) Hold funds received by the authority in trust for their use pursuant to this chapter to promote life sciences research;

(4) Manage its funds, obligations, and investments as necessary and as consistent with its purpose including the segregation of revenues into separate funds and accounts;

(5) Make grants to entities pursuant to contract for the promotion of life sciences research to be conducted in the state. Grant agreements shall specify deliverables to be provided by the recipient pursuant to the grant. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research; (b) its potential to improve health and climate outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, create new technologies to reduce anthropologic impact on our living environment, or offer a breakthrough treatment for a particular disease or condition; (c) its potential for leveraging additional funding; (d) its potential to provide health care benefits or benefit human learning and development; (e) its potential to stimulate the health care delivery, biomedical manufacturing, and private sector life sciences related employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and (h) evidence of public and private collaboration;

(6) Create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research; and

(7) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

**NEW SECTION. Sec. 9. TAX INCENTIVES FOR CARBON REDUCTION EQUIPMENT.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The legislature shall commit to providing tax incentives for employers to reduce carbon emissions through new technology and innovation. These incentives will help create jobs and improve the environment.

(2) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to fifty percent of the cost of purchasing: (a) Carbon reduction equipment; (b) repair and replacement parts for carbon reduction equipment; and (c) labor and services rendered in respect to carbon reduction equipment.

(3) The credit under this section is only available to light and power businesses subject to the annual reporting requirements under RCW 70.94.151(5).

(4) Unused tax credit may be carried forward to subsequent tax reporting periods. No refunds shall be granted for credits under this section.

(5) The definitions in this subsection apply throughout this section:

(a) "Carbon reduction equipment" means control devices, disposal systems, machinery, equipment, and other tangible personal property acquired for the primary purpose of reducing or controlling emissions of greenhouse gases.

(b) "Power plant" has the same meaning as defined in RCW 80.80.010.

**NEW SECTION. Sec. 10. TAX INCENTIVES FOR CARBON REDUCTION EQUIPMENT.** A new section is added to chapter 82.04 RCW to read as follows:

(1) A person is allowed a credit against taxes due under this chapter in an amount equal to fifty percent of the cost of purchasing: (a) Carbon reduction equipment; (b) repair and replacement parts for carbon reduction equipment; and (c) labor and services rendered in respect to carbon reduction equipment.

(2) The credit under this section is only available to a person subject to the annual reporting requirements under RCW 70.94.151(5).

(3) Unused tax credit may be carried forward to subsequent tax reporting periods. No refunds may be granted for credits under this section.

(4) For the purposes of this section, "carbon reduction equipment" has the same meaning as provided in section 9 of this act.

**NEW SECTION. Sec. 11. IMPROVING VEHICLE FUEL EFFICIENCY.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The legislature shall commit to incentives for individuals to purchase fuel efficient vehicles that will help reduce air pollution and greenhouse gas emissions.

(2) The tax levied by RCW 82.08.020 does not apply to sales of passenger vehicles, if the purchaser trades in a passenger vehicle that is more than fifteen years old and the vehicle to be traded in is not compliant with United States environmental protection agency tier II emission standards. The exemption is only for the first two thousand dollars of tax paid on the purchase price.

(3) For the purposes of this section, "passenger vehicle" has the same meaning as "passenger car" provided in RCW 46.04.382.

(4) The exemption is available only if:

(a) The passenger vehicle to be traded in has been licensed and registered for the twenty-four month period immediately preceding the sale and is in satisfactory operating condition; and

(b) The new vehicle purchased has a United States environmental protection agency highway gasoline mileage rating of at least thirty miles per gallon.

(5) The total amount that may be taken by all purchasers as an exemption under this section and section 12 of this act is twenty-five million dollars per year. If the department determines that at least twenty-two million dollars has been taken as an exemption under this section and section 12 of this act, the department must notify motor vehicle dealers, in a writing sent by certified mail, that requires dealers not to provide the exemption to motor vehicle purchasers beginning two weeks from the date the letter is postmarked.

**NEW SECTION. Sec. 12. IMPROVING VEHICLE FUEL EFFICIENCY.** 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 passenger vehicles if the purchaser trades in a passenger vehicle to a motor vehicle dealer that is more than fifteen years old and the vehicle to be traded in is not compliant with United States environmental protection agency tier II emission standards. The exemption is only for the first two thousand dollars of tax paid on the purchase price.

(2) "Passenger vehicle" has the same meaning as provided in section 11 of this act.

(3) The exemption is available only if:

(a) The passenger vehicle to be traded in has been licensed and registered for the twenty-four month period immediately preceding the sale and is in satisfactory operating condition; and

(b) The new vehicle purchased has a United States environmental protection agency highway gasoline mileage rating of at least thirty miles per gallon.

**NEW SECTION. Sec. 13. ALTERNATIVE FUELS AT REST AREAS.** A new section is added to chapter 47.38 RCW to read as follows:

(1) To encourage public and private investment in electric vehicle infrastructure and alternative fuels distribution, the legislature finds that the department should allow private entities to operate state-owned safety rest areas that include alternative fuel distribution and the department shall implement this section by 2012.

(2) The department must adopt by rule, subject to legislative approval, a comprehensive program that allows private entities to competitively bid on the operation of state-owned safety rest areas that include alternative fuel distribution stations. The program to allow private entities to operate state-owned safety rest areas must meet the following criteria:

(a) The department must lease the rights to operate safety rest areas for a commercially reasonable period of time, but no longer than twenty years;

(b) The department may lease the right to operate either individual safety rest areas, or groups of safety rest areas, or both, to a private entity;

(c) To the extent practicable, the business bidding to operate a safety rest area must offer alternative fuel distribution infrastructure including, but not limited to, electric vehicle infrastructure, fuel cell charging areas, and dispensing of alternative fuels as defined in RCW 19.112.010;

(d) Before entering into a lease with an entity, the department must contact food or beverage retailers, restaurants, grocery and convenience stores, lodging, and service station businesses within one mile from the highway exits immediately before and after the rest stop location, in each direction of traffic, and allow these businesses an opportunity to bid or otherwise negotiate with the department to operate the facility. If no business responds with a reasonable bid or offer within sixty days, the department must open up the bid or negotiation process to all interested entities;

(e) The department must take all necessary action to ensure the most favorable lease rates for the state, whether by bid or other reasonable manner, and to require the lessee to enter into any other contract or agreement to protect the state and its citizens from commercial harm or other type of harm; and

(f) A lease must allow a nonprofit organization that had previously conducted fund-raising activities on the premises to continue such activities.

**Sec. 14.** RCW 47.04.280 and 2007 c 516 s 3 are each amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals established under this section are deemed consistent with the benchmark categories adopted by the state's blue ribbon commission on transportation on November 30, 2000. Public investments in transportation should support achievement of these policy goals:

~~((a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;~~

~~—(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;~~

~~—(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;~~

~~—(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and~~

~~—(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.)~~

(a) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(b) Congestion relief: To reduce traffic congestion and improve vehicle travel times for transportation customers using the following measures:

(i) Traffic congestion on urban state highways must be significantly reduced and be no worse than the national mean;

(ii) Hours of delay per driver must be significantly reduced and no worse than the national mean;

(c) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems using the following measures:

(i) Interstate highways, state routes, or statewide principal arterials must not be in poor condition;

(ii) Bridges must not be structurally deficient, and safety retrofits must be performed on those state bridges at the highest seismic risk levels; and

(d) Environmental stewardship: To ensure that transportation investments protect the environment.

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(4) It is the intent of the legislature that the office of financial management establish objectives and performance measures for the department of transportation and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit initial objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during the 2008 legislative session. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) This section does not create a private right of action.

**NEW SECTION. Sec. 15.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 16.** 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."

Correct the title.

Representatives Ericksen and Klippert spoke in favor of the adoption of the amendment to amendment (624).

Representative Hunter spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (656) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (656) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier,



Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

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

Excused: Representatives DeBolt and Flannigan.

Amendment (656) to amendment (624) was not adopted.

Amendment (624) as amended was adopted.

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

**COLLOQUY**

Representative Upthegrove: "Senate Bill No. 5735 amends House Bill No. 2815 passed by the Legislature in 2008. House Bill No. 2815 contained a broad definition of "person" that means an individual, partnership, franchise holder, association, corporation, a state, a city, a county or any subdivision or instrumentality of the state.

Does section 2 of Senate Bill No. 5735 refer to all such "persons", or does Section 2 refer to the subset of persons with significant greenhouse gas emissions (CO2 equivalents) of 25,000 metric tons and over?"

Representative Priest: "It means the latter. The word "person" is modified by "those responsible for significant emissions" and "significant" means "25,000 metric tons of carbon dioxide equivalents or greater per year."

Representatives Upthegrove, Nelson, Jacks, Chase, Dickerson and Miloscia spoke in favor of the passage of the bill.

Representatives Short, Rodne, Shea, Orcutt, Campbell, Hinkle and Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5735 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5735 as amended by the house, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew,

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

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

Excused: Representatives DeBolt and Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

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

SENATE BILL NO. 5354,  
SUBSTITUTE SENATE BILL NO. 5537  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5473

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., April 15, 2009, the 94th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

