

SIXTIETH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 16, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kate Rabb and Lindsey Watson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Pat Feeney, Olympia Union Gospel Mission.

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

INTRODUCTION & FIRST READING

HB 2273 by Representatives Rolfes, Seaquist, Eickmeyer, Appleton, Lantz and Haigh

AN ACT Relating to passenger-only ferry service funding; amending RCW 36.57A.220, 47.01.350, 47.60.622, and 82.08.0255; amending 2006 c 332 s 2 (uncodified); adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2274 by Representatives McIntire, B. Sullivan and Lovick

AN ACT Relating to increasing competitive bid limits for the purchase of materials, equipment, or supplies; and reenacting and amending RCW 36.32.245.

Referred to Committee on Local Government.

HB 2275 by Representatives Kessler, B. Sullivan, Kenney, Chase and Hunt

AN ACT Relating to raising funds for state parks; amending RCW 79A.05.215; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2276 by Representatives Kirby and Chandler

AN ACT Relating to upholding state standards in determining disqualification for leaving work voluntarily; and amending RCW 50.20.050 and 50.29.021.

Referred to Committee on Commerce & Labor.

HB 2277 by Representatives Chandler, Armstrong and Kretz

AN ACT Relating to encouraging initiatives and referenda by extending privacy protections to signatories and assuring accurate verification; amending RCW 29A.72.110, 29A.72.120, 29A.72.130, 29A.72.170, and 29A.72.230; adding a new section to chapter 29A.72 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2278 by Representative Chase

AN ACT Relating to guardianship proceedings; and amending RCW 11.88.030.

Referred to Committee on Judiciary.

HB 2279 by Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa and Santos

AN ACT Relating to prohibiting discrimination against affordable housing developments; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Housing.

HB 2280 by Representatives Ericks, Armstrong, Lovick, Ormsby and Kelley; by request of State Treasurer

AN ACT Relating to statewide nonpartisan offices; amending RCW 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and 29A.52.231; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2281 by Representatives Appleton and Hunt

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on State Government & Tribal Affairs.

HB 2282 by Representatives Clibborn, Jarrett and Upthegrove

AN ACT Relating to regional transportation governance; and amending RCW 36.73.020, 36.120.030, 36.120.070, and 81.112.030.

Referred to Committee on Transportation.

HB 2283 by Representatives Hunter, Alexander, Schual-Berke, Cody, Kenney and Kelley

AN ACT Relating to the joint legislative audit and review committee performance reviews of the home care quality authority; and amending RCW 74.39A.290.

Referred to Committee on Health Care & Wellness.

HB 2284 by Representatives Green, Erickson, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt

AN ACT Relating to the training of and collective bargaining over the training of care providers; amending RCW 74.39A.050, 74.39A.270, 74.39A.300, 74.39A.310, 41.56.465, and 18.88A.085; adding a new section to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.190.

Referred to Committee on Commerce & Labor.

HB 2285 by Representatives Schindler and Takko

AN ACT Relating to categorical exemptions from the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 2286 by Representatives Simpson, Kirby, Williams, Kelley and Hunt

AN ACT Relating to interstate branching; and amending RCW 30.38.005, 30.38.010, 30.38.015, 32.04.020, and 32.04.030.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

HB 2287 by Representative Williams

AN ACT Relating to the effect of settlement agreements; amending RCW 4.22.060 and 4.22.070; and creating a new section.

Referred to Committee on Judiciary.

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

REPORTS OF STANDING COMMITTEES

February 12, 2007

HB 1122 Prime Sponsor, Representative Kretz: Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hunt; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1148 Prime Sponsor, Representative Simpson: Prohibiting restrictions on the location of mobile homes or manufactured homes based exclusively on age and dimensions. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Passed to Committee on Rules for second reading.

February 13, 2007

HB 1192 Prime Sponsor, Representative Kessler: Authorizing the governor to appoint the director

of parks and recreation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Dickerson; Eickmeyer; Grant; Kagi; McCoy and VanDeWege.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Assistant Ranking Minority Member; Hailey; Lantz; Newhouse; Orcutt and Strow.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1220 Prime Sponsor, Representative Hurst: Modifying provisions affecting the appointment of indeterminate sentence review board members. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Dunshee, Vice Chairman; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Anderson; Buri; Chandler; Cody; Conway; Darneille; Dunn; Ericks; Fromhold; Grant; Haigh; Haler; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Kretz; Linville; McDermott; McDonald; McIntire; Morrell; Pettigrew; Priest; Schual-Berke; Seaquist; P. Sullivan and Walsh.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1347 Prime Sponsor, Representative Schual-Berke: Requiring emergency response plans for long-term care facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta and Curtis.

Passed to Committee on Rules for second reading.

February 13, 2007

HB 1372 Prime Sponsor, Representative Rolfes: Authorizing the acquisition and operation of tourism-related facilities by port districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Eddy, Vice Chairman; Curtis, Ranking Minority Member; Ross; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1379 Prime Sponsor, Representative Hinkle: Revising the qualifications of an applicant for licensure as a hearing instrument fitter/dispenser. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1383 Prime Sponsor, Representative Appleton: Regulating body piercing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1450 Prime Sponsor, Representative Sells: Modifying provisions that exempt housing for very low-income households from taxation. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Referred to Committee on Finance.

February 14, 2007

HB 1456 Prime Sponsor, Representative Green: Providing backup for mental health professionals doing

home visits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 14, 2007

HB 1460 Prime Sponsor, Representative Schual-Berke: Extending existing mental health parity requirements to individual and small group plans. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Assistant Ranking Minority Member; Condotta and Curtis.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1490 Prime Sponsor, Representative Hinkle: Requiring the department of social and health services to submit a consumer-directed medicaid coverage plan. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Referred to Committee on Appropriations.

February 14, 2007

HB 1561 Prime Sponsor, Representative Jarrett: Granting authority of a watershed management partnership to exercise powers of its forming governments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1590 Prime Sponsor, Representative Goodman: Changing provisions affecting courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1642 Prime Sponsor, Representative Pedersen: Concerning criminal violations of no-contact orders, protection orders, and restraining orders. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Flannigan; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1645 Prime Sponsor, Representative Pedersen: Authorizing the administrator of the health care authority to administer grants on behalf of the authority. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Alexander, Assistant Ranking Minority Member; Barlow; Campbell; Condotta; Curtis; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1648 Prime Sponsor, Representative B. Sullivan: Increasing protections for agricultural

operations, activities, and practices. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and VanDeWege.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1652 Prime Sponsor, Representative Grant: Establishing the wildfire prevention and protection work group. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and VanDeWege.

Referred to Committee on Appropriations.

February 13, 2007

HB 1743 Prime Sponsor, Representative Kretz: Requiring the appointment of county noxious weed control boards. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and VanDeWege.

Referred to Committee on Appropriations.

February 14, 2007

HB 1777 Prime Sponsor, Representative Rodne: Regulating charitable organizations that solicit contributions from the public. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Referred to Committee on Appropriations.

February 14, 2007

HB 1793 Prime Sponsor, Representative Lantz: Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Goodman, Vice Chairman; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern; Kirby; Moeller; Pedersen; Ross and Williams.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1802 Prime Sponsor, Representative Darneille: Providing information about the human papillomavirus disease and vaccine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Barlow; Campbell; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Condotta and Curtis.

Passed to Committee on Rules for second reading.

February 15, 2007

HB 1852 Prime Sponsor, Representative Green: Modifying treatment records provisions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow; Condotta; Green; Moeller; Pedersen; Schual-Berke and Seaquist.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1888 Prime Sponsor, Representative Linville: Regarding Brassica seed production. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Blake, Vice Chairman; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson; Eickmeyer; Grant; Hailey; Kagi; Lantz; McCoy; Newhouse; Orcutt; Strow and VanDeWege.

MINORITY recommendation: Signed by Representatives Orcutt.

Passed to Committee on Rules for second reading.

February 14, 2007

HB 1921 Prime Sponsor, Representative Springer: Providing assistance to homeless individuals and families. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill was substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Ranking Minority Member; Kelley; McCune; Ormsby and Schindler.

Referred to Committee on Appropriations.

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

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

There being no objection, the Committee on State Government & Tribal Affairs was relieved of further consideration on HOUSE BILL NO. 2058, and the bill was referred to the Committee on Capital Budget.

POINT OF PERSONAL PRIVILEGE

Representative DeBolt took a moment of personal privilege to announce

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

SECOND READING

HOUSE BILL NO. 1366, By Representatives Kessler, DeBolt, Grant, Ericksen, Lantz, Rodne, Williams, Priest, Morrell, Hunt, Appleton, Blake, Chase, Anderson, Darneille, Dickerson, Linville, Springer, Hurst and Wood

Protecting the news media from being compelled to testify in legal proceedings.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1366.

MOTION

On motion of Representative Kristiansen, Representative Skinner was excused. The Speaker (Representative Lovick presiding) excused Representative Flannigan.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1366 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Flannigan and Skinner - 2.

HOUSE BILL NO. 1366, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1045, By Representatives B. Sullivan, McCoy, Eickmeyer and Kretz

Maintaining the ability of the board of natural resources to determine the deduction of proceeds from transactions on state lands managed by the department of natural resources.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1045 was substituted for House Bill No. 1045 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1045 was read the second time.

Representative Orcutt moved the adoption of amendment (013):

On page 2, line 7, after "30," strike "2017" and insert "2013"

On page 2, line 10, after "1," strike "2017" and insert "2013"

On page 2, line 23, after "until December 1," strike "2017" and insert "2013"

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

Representative Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Sullivan, Alexander and Kretz spoke in favor of passage of the bill.

Representatives Orcutt, Sump and Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1045.

MOTION

On the motion of Representative Kristiansen, Representative Skinner was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1045 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Blake, Crouse, Curtis, Dunn, Haler, Morris, Orcutt, Schindler, Sump and Takko - 10.

Excused: Representatives Flannigan and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1045, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1283, By Representatives Roach, McDonald, Morrell, Rolfes, Kelley, Skinner, Orcutt, Priest, Takko, Conway, Appleton, Newhouse, Haler, Moeller, VanDeWege, McCune, Roberts and Springer

Authorizing high school diplomas to be issued to persons who left high school before graduation to serve in the United States armed forces.

The bill was read the second time.

Representative Roach moved the adoption of amendment (016):

On page 2, line 5, after "to serve in" strike the remainder of line 5 and all of line 6, and insert "World War II, ((or)) the Korean conflict, or the Vietnam era as defined in RCW 41.04.005."

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

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1283.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1283 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Grant,

Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Flannigan and Skinner - 2.

ENGROSSED HOUSE BILL NO. 1283, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1024, By Representatives Hunter, Priest, Kessler, B. Sullivan, Dickerson, Jarrett, Hasegawa, Campbell, Rodne, Rolfes, McDermott, McIntire, Chase, Green, Hudgins, Upthegrove, Quall, Conway, Clibborn, Sommers, Morrell, Sells, Kenney, Haigh, Cody, Hunt, Lantz, McCoy, Appleton, Pettigrew, Schual-Berke, Roberts, Fromhold, Takko, Simpson, P. Sullivan, Lovick, Flannigan, Moeller, Miloscia, Williams, Blake, O'Brien, Linville, Wood, Goodman, Seaquist, Springer, Ericks, Kagi, Darneille, Dunshee, Strow, Pedersen, Eickmeyer, McCune and Ormsby; by request of Department of Ecology

Phasing out the use of polybrominated diphenyl ethers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1024 was substituted for House Bill No. 1024 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1024 was read the second time.

With the consent of the House, amendments (014) and (017) were withdrawn.

Representative Hunter moved the adoption of amendment (018):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Polybrominated diphenyl ethers (PBDEs) have been used extensively as flame retardants in a large number of common household products for the past thirty years. Studies on animals show that PBDEs can impact the developing brain, affecting behavior and learning after birth and into adulthood, making exposure to fetuses and children a particular concern. Levels of PBDEs are increasing in people, and in the environment,

particularly in North America. Because people can be exposed to these chemicals through house dust and indoor air as well as through food, it is important to phase out their use in common household products, provided that effective flame retardants that are safer and technically feasible are available at a reasonable cost.

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

(1) "Comestible" means edible.

(2) "Commercial decabromo diphenyl ether" or "commercial deca-bde" means the chemical mixture of decabromo diphenyl ether, including associated polybrominated diphenyl ether impurities not intentionally added.

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

(4) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(5) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers or an importer or domestic distributor of a noncomestible product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer who:

(a) Adds a private label brand or cobrands a product for sale; or

(b) Assembles components to create a single noncomestible product based on an individual consumer preference.

(6) "Mattress" has the same meaning as defined by the United States consumer product safety commission in 16 C.F.R. Part 1633 (2007) as it existed on the effective date of this section, and includes mattress sets, box springs, futons, crib mattresses, and youth mattresses. "Mattress" includes mattress pads.

(7) "Medical device" means an instrument, machine, implant, or diagnostic test used to help diagnose a disease or other condition or to cure, treat, or prevent disease.

(8) "Polybrominated diphenyl ethers" or "PBDEs" means chemical forms that consist of diphenyl ethers bound with bromine atoms. Polybrominated diphenyl ethers include, but are not limited to, the three primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde), octabromo diphenyl ether (octa-bde), and decabromo diphenyl ether (deca-bde).

(9) "Residential upholstered furniture" means residential seating products intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials, if the resilient cushioning materials are sold with the item of upholstered furniture and the upholstered furniture is constructed with a contiguous upholstered seat and back that may include arms.

(10) "Retailer" means a person who offers a product for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer. A retailer does not include a person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that both manufactures and sells a product at retail.

(11) "Technically feasible" means an alternative that is available at a cost and in sufficient quantity to permit the manufacturer to produce an economically viable product.

(12) "Transportation vehicle" means a mechanized vehicle that is used to transport goods or people including, but not limited to, airplanes, automobiles, motorcycles, trucks, buses, trains, boats, ships, streetcars, or monorail cars.

NEW SECTION. Sec. 3. After January 1, 2008, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state noncombustible products containing PBDEs. Exemptions from the prohibition in this section are limited to the following:

(1) Products containing deca-bde, except as provided in section 4 of this act;

(2) The sale or distribution of any used transportation vehicle manufactured before January 1, 2008, with component parts containing PBDEs;

(3) The sale or distribution of any used transportation vehicle parts or new transportation vehicle parts manufactured before January 1, 2008, that contain PBDEs;

(4) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment containing PBDEs and used primarily for military or federally funded space program applications. The exemption in this subsection (4) does not cover consumer-based goods with broad applicability;

(5) Federal aviation administration fire worthiness requirements and recommendations;

(6) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of any new raw material or component part used in a transportation vehicle with component parts, including original spare parts, containing deca-bde;

(7) The use of commercial deca-bde in the maintenance, refurbishment, or modification of transportation equipment;

(8) The sale or distribution of any product containing PBDEs that has been previously owned, purchased, or sold in commerce, provided it was manufactured before the effective date of the prohibition;

(9) The manufacture, sale, or distribution of any new product or product component consisting of recycled or used materials containing deca-bde;

(10) The sale or purchase of any previously owned product containing PBDEs made in casual or isolated sales as defined in RCW 82.04.040 and to sales by nonprofit organizations;

(11) The manufacture, sale, or distribution of new carpet cushion made from recycled foam containing less than one-tenth of one percent penta-bde; and

(12) Medical devices.

NEW SECTION. Sec. 4. (1) Except as provided in section 10 of this act, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state mattresses containing commercial deca-bde after January 1, 2008.

(2) Except as provided in section 10 of this act, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state residential upholstered furniture that contains commercial deca-bde, or any television or computer that has an electronic enclosure that contains commercial deca-bde after the effective date established in subsection (3) of this section. This prohibition may not take effect until the department and the department of health identify that a safer and technically feasible alternative is available, and the fire safety committee, created in section 5 of this act, determines that the identified alternative meets applicable fire safety standards. The effective date of the prohibition must be established according to the following process:

(a) The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in residential upholstered furniture, televisions, and computers.

(b) If the department and the department of health jointly find that safer and technically feasible alternatives are available for any of these uses, the department shall convene the fire safety committee created in section 5 of this act to determine whether the identified alternatives meet applicable fire safety standards.

(c) By majority vote, the fire safety committee created in section 5 of this act shall make a finding whether an alternative identified under (b) of this subsection meets applicable fire safety standards. The fire safety committee shall report their finding to the state fire marshal. After reviewing the finding of the fire safety committee, the state fire marshal shall determine whether an alternative identified under (b) of this subsection meets applicable fire safety standards. The determination of the fire marshal must be based upon the finding of the fire safety committee. The state fire marshal shall report the determination to the department.

(d) The department shall seek public input on their findings, the findings of the fire safety committee, and the determination by the state fire marshal. The department shall publish these findings in the Washington State Register, and submit them in a report to the appropriate committees of the legislature. The department shall initially report these findings by December 31, 2008.

(3) The effective date of the prohibition is as follows:

(a) If the December 31, 2008, report required in subsection (2)(d) of this section finds that a safer and technically feasible alternative that meets applicable fire safety standards is available, the prohibition takes effect January 1, 2011;

(b) If the December 31, 2008, report required in subsection (2)(d) of this section does not find that a safer and technically feasible alternative that meets applicable fire safety standards is available, the prohibition does not take effect January 1, 2011. Beginning in 2009, by December 31st of each year, the department shall review and report on alternatives as described in subsection (2) of this section. The prohibition in subsection (2) of this section takes effect two years after a report submitted to the legislature required under subsection (2)(d) of this section finds that a safer and technically feasible alternative that meets applicable fire safety standards is available.

NEW SECTION. Sec. 5. (1) The fire safety committee is created for the exclusive purpose of finding whether an alternative identified under section 4(2)(b) of this act meets applicable fire safety standards.

(2) A majority vote of the members of the fire safety committee constitutes a finding that an alternative meets applicable fire safety standards.

(3) The fire safety committee consists of the following members:

(a) A representative from the department, who shall chair the fire safety committee, and serve as an ex officio nonvoting member.

(b) Five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state fire marshal;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a recognized statewide council, affiliated with an international association representing the interests of firefighters; and

(v) A representative of a statewide association representing the interests of volunteer firefighters.

NEW SECTION. Sec. 6. The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial

deca-bde in products not directly addressed in this chapter. If a flame retardant that is safer and technically feasible becomes available, the department shall convene the fire safety committee created in section 5 of this act. The fire safety committee and the state fire marshal shall proceed as required in section 4(2)(c) of this act to determine if the identified alternative meets applicable fire safety standards. The department and the department of health shall also review risk assessments, scientific studies, and other findings regarding the potential effect of PBDEs in the waste stream. By December 31st of the year in which the finding is made, the department must publish the information required by this subsection in the Washington State Register and present it in a report to the appropriate committees of the legislature.

NEW SECTION. Sec. 7. Nothing in this chapter restricts the ability of a manufacturer, importer, or distributor from transporting products containing PBDEs through the state or storing the products in the state for later distribution outside the state.

NEW SECTION. Sec. 8. A manufacturer of products containing PBDEs that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

NEW SECTION. Sec. 9. The department shall assist state agencies to give priority and preference to the purchase of equipment, supplies, and other products that do not contain PBDEs.

NEW SECTION. Sec. 10. (1) Retailers who unknowingly sell products prohibited under section 3 or 4 of this act are not liable under this chapter.

(2) In-state retailers in possession of products on the date that restrictions on the sale of the products become effective under section 3 or 4 of this act may exhaust their existing stock through sales to the public.

(3) The department must assist in-state retailers in identifying potential products containing PBDEs.

(4) If a retailer unknowingly possesses products that are prohibited for sale under section 3 or 4 of this act and the manufacturer does not recall the products as required under section 11(2) of this act, the retailer may exhaust its existing stock through sales to the public. However, no additional prohibited stock may be sold or offered for sale.

NEW SECTION. Sec. 11. (1) Enforcement of this chapter must rely on notification and information exchange between the department and manufacturers. The department shall achieve compliance with this chapter using the following enforcement sequence:

(a) Before the effective date of the product prohibition in section 3 or 4 of this act, the department shall prepare and distribute information to in-state manufacturers and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter.

(b) The department may request a certificate of compliance from a manufacturer. A certificate of compliance attests that a manufacturer's product or products meets the requirements of this chapter.

(c) The department may issue a warning letter to a manufacturer that produces, sells, or distributes prohibited products in violation of

this chapter. The department shall offer information or other appropriate assistance to the manufacturer in complying with this chapter. If, after one year, compliance is not achieved, penalties may be assessed under subsection (3) of this section.

(2) A manufacturer that knowingly produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product and any applicable shipping and handling for returning the products.

(3) A manufacturer of products containing PBDEs in violation of this chapter is subject to a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 12. The department may adopt rules to fully implement this chapter.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "ethers;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and prescribing penalties."

Representative Grant moved the adoption of amendment (019) to amendment (018):

Beginning on page 1, after line 2 of the amendment, strike all material through "70 RCW." on page 8, line 22, and insert the following:

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

(1) "Commercial decabromo diphenyl ether" or "commercial deca-bde" means the chemical mixture of decabromo diphenyl ether, including associated polybrominated diphenyl ether impurities not intentionally added.

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

(3) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(4) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer who:

(a) Adds a private label brand or cobrands a product for sale; or

(b) Assembles components to create a single noncombustible product based on an individual consumer preference.

(5) "Mattress" has the same meaning as defined by the United States consumer product safety commission in 16 C.F.R. Part 1633 (2007) as it existed on the effective date of this act, and includes mattress pads, mattress sets, box springs, futons, crib mattresses, and youth mattresses.

(6) "Medical device" means an instrument, machine, implant, or diagnostic test used to help diagnose a disease or other condition or to cure, treat, or prevent disease.

(7) "Polybrominated diphenyl ethers" or "PBDEs" means chemical forms that consist of diphenyl ethers bound with bromine atoms. "Polybrominated diphenyl ethers" include, but are not limited

to, the three primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde), octabromo diphenyl ether (octa-bde), and decabromo diphenyl ether (deca-bde).

(8) "Residential upholstered furniture" means residential seating products intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials, if the resilient cushioning materials are sold with the item of upholstered furniture and the upholstered furniture is constructed with a contiguous upholstered seat and back that may include arms.

(9) "Safer and technically feasible alternative" means an alternative that:

- (a) Is available at a cost and in sufficient quantity to permit the manufacturer or user to maintain an economically viable product;
- (b) Provides a level of ignition resistance equivalent to or greater than that provided by the product it is intended to replace;
- (c) Has been found to have a lower toxicity profile and less environmental impact than the product it is intended to replace.

NEW SECTION. Sec. 2. The department is authorized to adopt rules prohibiting the use of polybrominated diphenyl ethers subject to the conditions of this chapter.

NEW SECTION. Sec. 3. (1) The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in mattresses, residential upholstered furniture, televisions, and computers.

(2) If the department and the department of health jointly find that safer and technically feasible alternatives are available for any of the uses under subsection (1) of this section, the department shall convene the fire safety committee created in subsection (3) of this section to determine if the identified alternatives meet applicable fire safety standards.

(3) The fire safety committee is created for the exclusive purpose of determining whether an alternative identified under subsection (2) of this section meets applicable fire safety standards.

(a) A representative from the department shall chair the fire safety committee and serve as an ex officio nonvoting member.

(b) A majority vote of the fire safety committee members constitutes a finding that an alternative meets applicable fire safety standards.

(c) The fire safety committee shall also include five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state director of fire protection;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a statewide association representing the interests of firefighters as defined in chapter 41.26 RCW; and

(v) A representative of a statewide association representing the interests of volunteer firefighters.

(4) If a majority of the voting members of the fire safety committee determines that an alternative identified under subsection (2) of this section meets applicable fire safety standards, the department shall seek public input on their findings, the findings of the fire safety committee, and any evidence of the potential harm posed by deca-bde. By December 15th of the year in which the finding is made, the department must publish the information

required by this subsection in the Washington State Register and present it in a report to the appropriate committees of the legislature.

(5) If the department adopts a rule to prohibit the use of polybrominated diphenyl ethers pursuant to section 2 of this act, the effective date of the prohibition shall be two years after the final adoption of the rule.

(6) Before the effective date of the product prohibition, the department shall prepare and distribute information to in-state manufacturers and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter.

NEW SECTION. Sec. 4. The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in products not directly addressed in this chapter. If a flame retardant that is safer and technically feasible becomes available, the department shall convene the fire safety committee created in section 3 of this act. The fire safety committee shall proceed as required in section 3(2) of this act to determine if the identified alternative meets applicable fire safety standards. The department and the department of health shall also review risk assessments, scientific studies, and other findings regarding the potential effect of PBDEs in the waste stream. By December 31st of the year in which the finding is made, the department must publish the information required by this section in the Washington State Register and present it in a report to the appropriate committees of the legislature.

NEW SECTION. Sec. 5. (1) The department may issue a warning letter to a manufacturer that produces, sells, or distributes prohibited products in violation of this chapter. The department shall offer information or other appropriate assistance to the manufacturer in complying with this chapter. If, after one year, compliance is not achieved, penalties may be assessed under subsection (2) of this section.

(2) A manufacturer of products containing PBDEs in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 6. The department shall adopt rules prohibiting the use of pentabromo diphenyl ether and octabromo diphenyl ether with appropriate exemptions to ensure continued public safety on or before July 1, 2008.

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

Representatives Grant, Newhouse, Armstrong and Hailey spoke in favor of the adoption of the amendment to amendment (018).

Representatives Hunter and Campbell spoke against the adoption of the amendment to amendment (018).

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 30 - YEAS; 65 -NAYS.

The amendment was not adopted.

Representative Sump moved the adoption of amendment (021) to amendment (018):

On page 4, line 34 of the amendment, after "standards" insert "and provides a level of ignition resistance equivalent to or greater than that provided by deca-bde"

Representative Sump spoke in favor of the adoption of the amendment to amendment (018).

Representative Hunter spoke against the adoption of the amendment to amendment (018).

The amendment was not adopted.

Representative Newhouse moved the adoption of amendment (022) to amendment (018):

"NEW SECTION. Sec. 13. The department shall develop a voluntary program to phase out, from residential homes, products containing polybrominated diphenyl ethers, limited to the two primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde) and octabromo diphenyl ether (octa-bde)."

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

On page 8, line 21 of the amendment, after "through" strike "12" and insert "13"

Representative Newhouse spoke in favor of the adoption of the amendment to amendment (018).

Representative Hunter spoke against the adoption of the amendment to amendment (018).

The amendment was not adopted.

Representative Hailey moved the adoption of amendment (023) to amendment (018):

On page 8, after line 20 of the amendment, insert the following:

"Sec. 13. RCW 43.43.938 and 1995 c 369 s 18 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. The board, after consulting with the chief of the Washington state patrol, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The

appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of fire protection, in accordance with the policies, objectives, and priorities of the fire protection policy board, shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.

(5) The director of fire protection, shall implement and administer, within constraints established by budgeted resources, the policies, objectives, and priorities of the board and all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW ((43.63A.320)) 43.43.934. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

(7) By December 31, 2007, the director of fire protection must adopt by rule:

(a) A fire safety standard for upholstered furniture that is substantially the same as the provisions of the 2002 draft revised technical bulletin, CAL 117+, for "Requirements, Test Procedure and Apparatus for Testing the Flame and Smolder Resistance of Upholstered Furniture," published by the state of California, department of consumer affairs, bureau of home furnishings and thermal insulation;

(b) A fire safety standard for electronic equipment within the field of audio/video information technology and communication technology that is substantially the same as the provisions of the international electrotechnical commission's document entitled "IEC 62368-f3 Ed 1.0: Audio/Video, Information and Communication Technology Equipment - Safety Requirements" (circulation date December 15, 2006), which incorporates external ignition protection as specified in the technical specification (IEC TS62441), published December 2006."

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

Representative Hailey spoke in favor of the adoption of the amendment to amendment (018).

Representative Hunter spoke against the adoption of the amendment to amendment (018).

The amendment was not adopted.

There being no objection, amendment (018) to Substitute House Bill No. 1024 was adopted. The bill was ordered engrossed.

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

Representatives Hunter, Kagi, Upthegrove, Simpson, Morrell and Hunt spoke in favor of passage of the bill.

Representatives Newhouse, Hinkle, Armstrong, Anderson, Haler, Chandler and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1024.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1024 and the bill passed the House by the following vote: Yeas - 71, Nays - 24, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Fromhold, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Grant, Hailey, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schindler, Sump and Warnick - 24.

Excused: Representatives Flannigan, Hankins and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., February 19, 2007, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk