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SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDRED FIFTH DAY

House Chamber, Olympia, Sunday, April 26, 2009

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Glenn Wilkes and Rod Lobe. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jaime Herrera.

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

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has adopted the report of Conference Committee on SUBSTITUTE SENATE BILL NO. 5574, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, and has passed the bill as recommended by the Conference Committee, and the same is/are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
SUBSTITUTE SENATE BILL NO. 5436,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6158, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6162, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6160, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 2361 and asks the House to concur, 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

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2361, and again asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2194 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release

time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); (C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent

to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department denies transfer to community custody in lieu of earned early release pursuant to (c) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(e) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious ~~((enough))~~ and is expected to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(iii) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(d) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

(10) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 2. This act takes effect August 1, 2009."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.728; 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

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2194 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Dammeier spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2194, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representatives Hasegawa and Liias were excused. On motion of Representative Hinkle, Representatives Hinkle, Rodne and Walsh were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2194, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 41; Absent, 0; Excused, 5.

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

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

Excused: Representatives Armstrong, Hasegawa, Liias, Rodne and Walsh.

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

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2341 with the following amendment:

On page 8, line 33, after "requirements.", insert:

"(g) To collect from all public employees a voluntary opt in donation of varying amounts through a monthly or one-time payroll deduction as provided for in RCW 41.04.230. The donation must be deposited in the health services account established in RCW 43.72.900 to be used for the sole purpose of maintaining enrollment capacity in the basic health plan.

The administrator shall send an annual notice to state employees extending the opportunity to participate in the opt-in donation program for the purpose of saving enrollment slots for the basic health plan. The first such notice shall be sent to public employees no later than June 1, 2009.

The notice shall include monthly sponsorship levels of fifteen dollars per month, thirty dollars per month, fifty dollars per month and any other amounts deemed reasonable by the administrator. The sponsorship levels shall be named "Safety Net Contributor," "Safety Net Hero," and "Safety Net Champion" respectively. The donation amounts provided shall be tied to the level of coverage the employee

will be purchasing for a working poor individual without access to health care coverage.

The administrator shall ensure that employees are given an opportunity to establish a monthly standard deduction or a one-time deduction towards the basic health plan donation program. The basic health plan donation program shall be known as the "Save the Safety Net Program."

The donation permitted under this subsection may not be collected from any public employee who does not actively opt in to the donation program. Written notification of intent to discontinue participation in the donation program must be provided by the public employee at least fourteen days prior to the next standard deduction.

On page 17, after line 34, insert

NEW SECTION, Sec. 8. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 2 of the title, after "budget;" strike "and"

On page 1, line 4 of the title, after "70.47.170" insert ";and declaring an emergency"

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

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2341 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2341, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2341, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 7; Absent, 0; Excused, 5.

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

Voting nay: Representatives Carlyle, Chandler, Goodman, Grant-Herriot, Simpson, Van De Wege and Williams.

Excused: Representatives Armstrong, Hasegawa, Liias, Rodne and Walsh.

SUBSTITUTE HOUSE BILL NO. 2341, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2362 with the following amendment:

On page 5, line 12, after "is", strike "established in the custody of the state treasurer." And insert "created within the state treasury, subject to appropriation."

On page 5, line 16, strike ", except as otherwise provided by this section."

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

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2362 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2362, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2362, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 51; Nays, 42; Absent, 0; Excused, 5.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera,

Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Lias, Rodne and Walsh.

SUBSTITUTE HOUSE BILL NO. 2362, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION AND FIRST READING

ESB 6158 by Senators Keiser, Brown, Prentice and Tom

AN ACT Relating to delaying the implementation of the family leave insurance program; and amending RCW 49.86.030 and 49.86.210.

Referred to Committee on Ways & Means.

SSB 6160 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to criminal justice sentencing by amending the sentencing grid to allow judges greater discretion and addressing mitigating and aggravating circumstances that may allow the imposition of a sentence above or below the standard sentence range; amending RCW 9.94A.510, 9.94A.190, and 9.94A.850; reenacting and amending RCW 9.94A.535; prescribing penalties; and providing an effective date.

SSB 6162 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to criminal justice: Providing for the supervision of offenders sentenced to community custody regardless of risk classification if the offender has a current conviction for a serious violent offense as defined in RCW 9.94A.030; amending RCW 9.94A.501 and 9.94A.501; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

ESSB 6180 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Tom and Prentice)

AN ACT Relating to the training and background checks of long-term care workers; amending RCW 74.39A.009, 74.39A.055, 18.20.125, 18.88B.030, 43.20A.710, 43.43.837, 74.39A.050, 74.39A.095, 74.39A.260, 74.39A.073, 74.39A.075, 74.39A.340, 74.39A.350, 74.39A.085, 18.88B.040, 18.88A.115, 18.88B.050, and 18.88B.020; and providing an effective date.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were read the first time, the rules were suspended and the bills were placed on the second reading calendar.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6162, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Relating to criminal justice. Revised for 1st Substitute: Providing for the supervision of offenders sentenced to community custody regardless of risk classification if the offender has a current conviction for a serious violent offense.

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 Ericks and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6162.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6162 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, 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, 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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 6162, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6158, by Senators Keiser, Brown, Prentice and Tom

Delaying the implementation of the family leave insurance program.

The bill was read the second time.

Representative Alexander moved the adoption of amendment (945):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, ~~((the family leave insurance account,))~~ the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each

account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

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

Sec. 2. RCW 51.44.033 and 2007 c 357 s 23 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title ~~((and the loans therefrom authorized in RCW 49.86.190))~~.

NEW SECTION. Sec. 3. The following acts or parts of acts are each delayed indefinitely:

- \$ RCW 49.86.005 (Findings) and 2007 c 357 s 1;
- \$ RCW 49.86.010 (Definitions) and 2007 c 357 s 3;
- \$ RCW 49.86.020 (Family leave insurance program) and 2007 c 357 s 4;
- \$ RCW 49.86.030 (Eligibility for benefits) and 2007 c 357 s 5;
- \$ RCW 49.86.040 (Disqualification from benefits) and 2007 c 357 s 6;
- \$ RCW 49.86.050 (Duration of benefits--Payment of benefits) and 2007 c 357 s 7;
- \$ RCW 49.86.060 (Amount of benefits) and 2007 c 357 s 8;
- \$ RCW 49.86.070 (Federal income tax) and 2007 c 357 s 9;
- \$ RCW 49.86.080 (Erroneous payments--Payments induced by willful misrepresentation--Claim rejected after payments) and 2007 c 357 s 10;
- \$ RCW 49.86.090 (Leave and employment protection) and 2007 c 357 s 11;
- \$ RCW 49.86.100 (Employment by same employer) and 2007 c 357 s 12;
- \$ RCW 49.86.110 (Elective coverage) and 2007 c 357 s 13;
- \$ RCW 49.86.120 (Appeals) and 2007 c 357 s 14;
- \$ RCW 49.86.130 (Prohibited acts--Discrimination--Enforcement) and 2007 c 357 s 15;
- \$ RCW 49.86.140 (Coordination of leave) and 2007 c 357 s 16;
- \$ RCW 49.86.150 (Continuing entitlement or contractual rights-- Not created) and 2007 c 357 s 17;
- \$ RCW 49.86.160 (Rules) and 2007 c 357 s 18;
- \$ RCW 49.86.170 (Family leave insurance account) and 2009 c 4 s 905 and 2007 c 357 s 19;
- \$ RCW 49.86.180 (Family leave insurance account funds--Investment) and 2007 c 357 s 20;
- \$ RCW 49.86.190 (Initial program administration--Loans) and 2007 c 357 s 22;
- \$ RCW 49.86.200 (Authority to contract) and 2007 c 357 s 24;
- \$ RCW 49.86.210 (Reports) and 2007 c 357 s 26;
- \$ RCW 49.86.900 (Severability--2007 c 357) and 2007 c 357 s 27;
- \$ RCW 49.86.901 (Captions not law--2007 c 357) and 2007 c 357 s 28; and
- \$ RCW 49.86.902 (Effective dates--2007 c 357) and 2007 c 357 s 30.

NEW SECTION. Sec. 4. The code reviser shall alphabetize the accounts and funds in RCW 43.79A.040(4)(b).

NEW SECTION. Sec. 5. This act takes effect August 1, 2009."

Correct the title.

Representatives Alexander, Ericksen, Condotta and Orcutt spoke in favor of the adoption of amendment (945).

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Orcutt, the Speaker would like you to come back to the amendment at hand. There was a reference to possible federal funding. I think that it is allowable and relevant to talk about whether we should or should not accept that federal funding but you need to link it back to the indefinite postponement of this program underneath."

Representatives Orcutt (again), Bailey, Shea and Hinkle spoke in favor of the adoption of the amendment.

POINT OF ORDER

Representative Hudgins: "I would like to ask if you would interpret the gentleman's remarks as being to the indefinite or later date that the amendment before us is addressing or not?"

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you, Representative Hudgins. Representative Hinkle, as I previously ruled with Representative Orcutt, I think comments are relevant to the bill about whether we should or should not take federal funding because it was brought up by the good gentleman from the 29th District. I want to clarify again the slippery slope I am trying to avoid here which is when we start to get off subject about the federal deficit that it opens up the floor debate to what may have caused that deficit, how that occurred and so forth. I would rather not go there in this debate. So I ask that we keep to the amendment here at hand which is whether or not we should delay this program indefinitely and whether federal funds should be used or not. It would be much appreciated by the Speaker. Please continue."

Representative Hinkle (again) spoke in favor of the adoption of amendment (945).

Representatives Dickerson and Conway spoke against the adoption of amendment (945).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (945) to Engrossed Senate Bill No. 6158.

ROLL CALL

The Clerk called the roll on the adoption of amendment (945) to Engrossed Senate Bill No. 6158 and the amendment was not adopted by the following vote: Yeas, 38; Nays, 57; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt,

Parker, Pearson, Priest, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Simpson, Smith, Taylor and Warnick.

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

Excused: Representatives Armstrong, Hasegawa and Walsh.

Amendment (945) was not adopted.

With the consent of the House, amendment (944) was withdrawn.

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

Representatives Dickerson, Conway, Flannigan, Ericks and Takko spoke in favor of the passage of the bill.

Representatives Condotta, Herrera, Orcutt, Ross, Short, Hinkle and Angel spoke against the passage of the bill.

POINT OF ORDER

Representative Dickerson: "Mr. Speaker, the underlying bill is the suspension of family leave for the birth of babies and the adoption of new babies. It has nothing to do with other kinds of family leave. The gentle lady's remarks are not on the bill."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you. Your point is well taken. If we can confine our remarks to the actual policy limitations to implement them or not implement them in the question before us, it would be much appreciated. Please continue."

Representative Angel (again) spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6158.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6158, and the bill passed the House by the following vote: Yeas, 61; Nays, 34; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist,

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

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

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED SENATE BILL NO. 6158, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SENATE BILL NO. 5433.

JIM MOELLER, 49th District

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President has signed the following:

HOUSE BILL NO. 1238,
 SUBSTITUTE HOUSE BILL NO. 1239,
 HOUSE BILL NO. 1287,
 SUBSTITUTE HOUSE BILL NO. 1292,
 SUBSTITUTE HOUSE BILL NO. 1332,
 SUBSTITUTE HOUSE BILL NO. 1420,
 SECOND SUBSTITUTE HOUSE BILL NO. 1481,
 HOUSE BILL NO. 1527,
 HOUSE BILL NO. 1579,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,
 SUBSTITUTE HOUSE BILL NO. 1751,
 SUBSTITUTE HOUSE BILL NO. 1758,
 SUBSTITUTE HOUSE BILL NO. 1845,
 SUBSTITUTE HOUSE BILL NO. 1869,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211,
 ENGROSSED HOUSE BILL NO. 2242,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,
 SUBSTITUTE HOUSE BILL NO. 2339,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,
 SUBSTITUTE HOUSE BILL NO. 2356,
 ENGROSSED HOUSE BILL NO. 2358,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1062 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.0421 and 2004 c 240 s 1 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Chlor-alkali electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a chlor-alkali electrolytic process to split the electrochemical bonds of sodium chloride and water to make chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(b) "Sodium chlorate electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a sodium chlorate electrolytic process to split the electrochemical bonds of sodium chloride and water to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(2) Effective July 1, 2004, the tax levied under this chapter does not apply to sales of electricity made by a light and power business to a chlor-alkali electrolytic processing business or a sodium chlorate electrolytic processing business for the electrolytic process if the contract for sale of electricity to the business contains the following terms:

(a) The electricity to be used in the electrolytic process is separately metered from the electricity used for general operations of the business;

(b) The price charged for the electricity used in the electrolytic process will be reduced by an amount equal to the tax exemption available to the light and power business under this section; and

(c) Disallowance of all or part of the exemption under this section is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business are the amount of the tax exemption disallowed.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(4) In order to claim an exemption under this section, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate in a form and manner prescribed by the department.

(5)(a) This section does not apply to sales of electricity made after December 31, (~~2010~~) 2018.

(b) This section expires June 30, (~~2014~~) 2019.

Sec. 2. RCW 82.32.560 and 2004 c 240 s 2 are each amended to read as follows:

(1) For the purposes of this section, "electrolytic processing business tax exemption" means the exemption and preferential tax rate under RCW 82.16.0421.

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the electrolytic processing business tax exemption are:

(a) To retain family wage jobs by enabling electrolytic processing businesses to maintain production of chlor-alkali and sodium chlorate at a level that will preserve at least seventy-five percent of the jobs that were on the payroll effective January 1, 2004; and

(b) To allow the electrolytic processing industries to continue production in this state ~~((through 2011))~~ so that the industries will remain competitive and be positioned to preserve and create new jobs ~~((when the anticipated reduction of energy costs occur))~~.

(4)(a) A person who receives the benefit of an electrolytic processing business tax exemption shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax exemption is claimed or used. The report shall not include names of employees. The report shall detail employment by the total number of full-time, part-time, and temporary positions. The report shall indicate the quantity of product produced at the plant during the time period covered by the report. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax exemption. Employment reports shall include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted for that year to be immediately due and payable. Public utility taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

~~(5) ((By December 1, 2007, and by December 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the tax incentive under RCW 82.16.0421. The report shall measure)) Pursuant to chapter 43.136 RCW, the citizen commission for performance measurement of tax preferences must schedule the electrolytic processing business tax exemption under RCW 82.16.0421 for a tax preference review by the joint legislative audit and review committee. In addition to any of the factors in RCW 43.136.055(1), the committee must also study and report on the effect of the incentive on job retention for Washington residents, and other factors as the committee(s) selects. The report shall also discuss expected trends or changes to electricity prices as they affect the industries that benefit from the incentives.~~

NEW SECTION. Sec. 3. If chapter . . . , Laws of 2009 (Substitute House Bill No. 1597 (H-2475/09)) is enacted, section 2, chapter . . . , Laws of 2009 (section 2 of this act) is null and void."

On page 1, line 3 of the title, after "exemption;" strike the remainder of the title and insert "amending RCW 82.16.0421 and 82.32.560; creating a new section; and providing an expiration 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

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1062 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1062, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1062, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, 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, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Dickerson, Goodman and Williams.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE HOUSE BILL NO. 1062, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.167.010 and 2007 c 501 s 3 are each amended to read as follows:

(1) The residents, property owners, employees, or business owners of an impacted community may propose formation of a community preservation and development authority. The proposal to form a community preservation and development authority must be presented in writing to the appropriate legislative committee in both the house of representatives and the senate. The proposal must contain proposed general geographic boundaries that will be used to define the community for the purposes of the authority. Proposals

presented after January 1, 2008, must identify in its proposal one or more stable revenue sources that (a) have a nexus with the multiple publicly funded facilities that have adversely impacted the community, and (b) can be used to support future operating or capital projects that will be identified in the strategic plan required under RCW 43.167.030.

(2) Formation of the community preservation and development authority is subject to legislative authorization by statute. The legislature must find that (a) the area within the proposal's geographic boundaries meets the definition of "impacted community" contained in section 2(4) of this act and (b) those persons that have brought forth the proposal are members of the community as defined in section 2(1) of this act and, if the authority were approved, would meet the definition of constituency contained in section 2(3) of this act. For proposals brought after January 1, 2008, the legislature must also find that the community has identified one or more stable revenue sources as required in subsection (1) of this section. The legislature may then act to authorize the establishment of the community preservation and development authority in law.

(3) The affairs of a community preservation and development authority shall be managed by a board of directors, consisting of the following members:

(a) Two members who own, operate, or represent businesses within the community;

(b) Two members who reside in the community;

(c) Two members who are involved in providing nonprofit community or social services within the community;

~~((c))~~ (d) Two members who are involved in the arts and entertainment within the community;

~~((d))~~ (e) Two members with knowledge of the community's culture and history; ~~(and~~

~~(e))~~ (f) One member who is involved in a nonprofit or public planning organization that directly serves the impacted community; and

(g) Two representatives of the local legislative authority or authorities, as ex officio members.

(4) No member of the board shall hold office for more than four years. Board positions shall be numbered one through nine, and the terms staggered as follows:

(a) Board members elected to positions one through five shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(b) Board members initially elected to positions six through ~~((nine))~~ thirteen shall serve a three-year term only.

(c) Board members elected to positions six through ~~((nine))~~ thirteen after the initial three-year term shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(5) With respect to an authority's initial board of directors: The state legislative delegation and those proposing formation of the authority shall jointly establish a committee to develop a list of candidates to stand for election once the authority has received legislative approval as established in subsection (2) of this section. For the purpose of developing the list and identifying those persons who meet the criteria in subsection (3)(a) through (e) of this section, community shall mean the proposed geographic boundaries as set out in the proposal. The board of directors shall be elected by the constituency during a meeting convened for that purpose by the state legislative delegation.

(6) With respect to subsequent elections of an authority's board of directors: A list of candidates shall be developed by the authority's

existing board of directors and the election shall be held during the annual local town hall meeting as required in RCW 43.167.030.

Sec. 2. RCW 43.167.020 and 2007 c 501 s 4 are each amended to read as follows:

(1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities; ~~(and~~

~~(b) Exercise such additional powers as may be authorized by law))~~

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement the purposes and duties of an authority;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, lease, and sell real and personal property;

(e) Hold in trust, improve, and develop land;

(f) Invest, deposit, and reinvest its funds;

(g) Incur debt in furtherance of its mission; and

(h) Lend its funds, property, credit, or services for corporate purposes.

(2) A community preservation and development authority ~~((shall have))~~ has no power of eminent domain nor any power to levy taxes or special assessments.

(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 42.17.128; and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee.

Sec. 3. RCW 43.167.030 and 2007 c 501 s 5 are each amended to read as follows:

A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to restore and promote the health, safety, and economic well-being of the impacted community and to restore and preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components ~~((that address one or more of the purposes under section 1(3) of this act));~~

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to carry out projects identified in the strategic plan including, but not limited to, those that: (a) Enhance public safety; (b) reduce community blight; and (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "and amending RCW 43.167.010, 43.167.020, and 43.167.030."

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

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representative Smith spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2125, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2125, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, 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, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

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

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President ruled that the amendment is outside the "scope and object" of the measure. The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5795 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5795, and advanced the bill to final passage without the House amendment.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5795 without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5795, without the House amendment, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, 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, 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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 5795, without the House amendment, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has adopted the report of Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5433, and has passed the bill as recommended by the Conference Committee and the same is herewith transmitted.

Thomas Hoemann, Secretary

CONFERENCE COMMITTEE REPORT

April 25, 2009

Second Substitute Senate Bill No. 5433

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5433, modifying provisions of local option taxes, have had the same under consideration and we recommend that:

all previous amendments not be adopted and that the attached striking amendment (H-3442.2/09) be adopted.

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.450 and 2007 c 380 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures. The rate of tax under this section ((~~shall~~)) may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and ((~~shall~~)) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section ((~~shall~~)) must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" ((~~means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local~~

~~correctional facilities~~)) has the same meaning as provided in RCW 82.14.340.

(5) Money received under this section ((~~shall~~)) must be shared between the county and the cities as follows: Sixty percent ((~~shall~~)) must be retained by the county and forty percent ((~~shall~~)) must be distributed on a per capita basis to cities in the county.

Sec. 2. RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of ((~~new or expanded~~)) chemical dependency or mental health treatment programs and services and for the operation or delivery of ((~~new or expanded~~)) therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section ((~~shall not~~)) may be used to supplant existing funding for these purposes(~~provided that~~) in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section ((~~shall~~)) may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 84.55.050 and 2008 c 319 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized

maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used (~~and funds raised under the levy shall not supplant existing funds used for these purposes~~).

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after the effective date of this act.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after the effective date of this act.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

Sec. 4. RCW 36.54.130 and 2007 c 223 s 6 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value, except a ferry district in a county with a population of one million five hundred thousand or more may not levy at a rate that exceeds seven and one-half cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities;

(b) The operation, maintenance, and improvement of ferry vessels and dock facilities;

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of one million five hundred thousand or more may impose an additional regular property tax levy in an amount not to exceed seven and one-half cents per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) Any tax imposed under this section shall be used as follows:

(a) The first one cent for expanding transit capacity along state route number 520 by adding core and other supporting bus routes;

(b) The remainder for transit-related expenditures.

(3) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(4) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed under this section.

Sec. 6. RCW 84.52.043 and 2005 c 122 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and

ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; ~~((and))~~ (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; and (j) levies by counties for transit-related purposes under section 5 of this act.

Sec. 7. RCW 84.52.010 and 2007 c 54 s 26 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, ~~((and))~~ 84.52.135, and section 5 of this act, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 5 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county

under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((d))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((e))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((f))~~ (f) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((g))~~ (g) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts,

metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 8. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to voter approval, a public transportation entity may fix and impose an annual congestion reduction tax, not to exceed twenty dollars per vehicle registered within the boundaries of the public transportation entity, for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less. For purposes of this section, a "public transportation entity" includes public transportation benefit areas under chapter 36.57A RCW, metropolitan municipal corporations providing public transportation services under chapter 36.56 or 35.58 RCW, city-owned transit systems under chapter 35.58 RCW, county public transportation authorities under chapter 36.57 RCW, and unincorporated transportation benefit areas under chapter 36.57 RCW.

(2) The department of licensing must administer and collect the tax for the relevant public transportation entity identified in subsection (1) of this section. The department of licensing must deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by it. The department of licensing must remit remaining proceeds to the custody of the state treasurer. The state treasurer must distribute the proceeds to the public transportation entity on a monthly basis.

(3) No tax under this section may be collected until six months after it has been approved by a majority of the voters within the public transportation entity's boundaries.

(4) The congestion reduction tax under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the tax under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 9. A new section is added to chapter 36.57A RCW to read as follows:

In addition to other general and specific powers granted to a public transportation benefit area authority, the legislative authority of a public transportation benefit area may submit an authorizing proposition to the voters and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax. A public transportation benefit area authority must provide a credit against the tax imposed under this section for any tax imposed by a city or metropolitan municipal corporation under section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 35.58 RCW to read as follows:

In addition to other general and specific powers granted to metropolitan municipal corporations and city-owned transit systems,

the legislative authorities of metropolitan municipal corporations and city-owned transit systems may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 11. A new section is added to chapter 36.57 RCW to read as follows:

In addition to other general and specific powers granted to county public transportation authorities and unincorporated transportation benefit areas, the legislative authorities of a county public transportation authority and an unincorporated transportation benefit area may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 12. Sections 1 and 2 of this act expire January 1, 2015."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.14.450, 82.14.460, 84.55.050, 36.54.130, 84.52.043, and 84.52.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 36.57 RCW; and providing an expiration date."

Senators Regala and Tom
Representatives Hunter and Nelson

There being no objection, the House adopted the conference committee report on SECOND SUBSTITUTE SENATE BILL NO. 5433 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY
CONFERENCE COMMITTEE**

Representative Hunter spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Orcutt spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5433 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5433, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 51; Nays, 44; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Kretz, Maxwell, McCoy,

Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

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

Excused: Representatives Armstrong, Hasegawa and Walsh.

SECOND SUBSTITUTE SENATE BILL NO. 5433, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE SENATE BILL NO. 5433, as recommended by the conference committee.

KELLI LINVILLE, 42 District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE SENATE BILL NO. 5433, as recommended by the conference committee.

JOEL KRETZ, 7 District

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

SECOND READING

ENGROSSED SENATE BILL NO. 5995, by Senators Pridemore, Schoesler and Honeyford

Eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009. (REVISED FOR ENGROSSED: Eliminating certain boards, committees, and commissions and the transfer of certain duties.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was not adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

With the consent of the House, amendment (998) was withdrawn.

Representative Hunt moved the adoption of amendment (999):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Intent. One of the key roles of advisory boards, committees, and commissions is to provide input, advice and recommendations from stakeholders, other interested parties, and the public to state agencies. Some advisory boards, committees, and commissions may be abolished without detriment to the mission of the agency each supports. Most of the advisory functions of some boards, committees, and commissions can be

performed without the administrative costs of maintaining formal organizations. In the interest of building a leaner, more efficient, and more responsible government, this vital communications conduit must be maintained for the benefit of the state and its citizens, through the use of modern communication technology. It is the intent of the legislature this interim to identify criteria to evaluate those advisory boards, committees, and commissions that may be eliminated or consolidated, and for agencies to identify new, less costly, and more effective opportunities to ensure a broad range of citizen participation is provided and that all reasonable efforts are made to ensure that channels are maintained for vital input from the citizens of Washington.

Acupuncture Ad Hoc Committee

Sec. 2. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Licensed Acupuncturist.

(4) ~~((The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.~~

—(5)) The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Character-Building Residential Services in Prisons, Oversight Committee

NEW SECTION. Sec. 3. RCW 72.09.800 (Comprehensive plan for character-building residential services in prisons--Establishment of oversight committee) and 2008 c 104 s 2 are each repealed.

Displaced Homemaker Program Statewide Advisory Committee

NEW SECTION. Sec. 4. RCW 28B.04.085 (Displaced homemaker program advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each repealed.

Adult Family Home Advisory Committee

NEW SECTION. Sec. 5. RCW 70.128.225 (Advisory committee) and 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.

Sec. 6. RCW 70.128.163 and 2001 c 193 s 6 are each amended to read as follows:

(1) When the department has summarily suspended a license, the licensee may, subject to the department's approval, elect to participate in a temporary management program. All provisions of this section shall apply.

The purposes of a temporary management program are as follows:

(a) To mitigate dislocation and transfer trauma of residents while the department and licensee may pursue dispute resolution or appeal of a summary suspension of license;

(b) To facilitate the continuity of safe and appropriate resident care and services;

(c) To preserve a residential option that meets a specialized service need and/or is in a geographical area that has a lack of available providers; and

(d) To provide residents with the opportunity for orderly discharge.

(2) Licensee participation in the temporary management program is voluntary. The department shall have the discretion to approve any temporary manager and the temporary management arrangements. The temporary management shall assume the total responsibility for the daily operations of the home.

(3) The temporary management shall contract with the licensee as an independent contractor and is responsible for ensuring that all minimum licensing requirements are met. The temporary management shall protect the health, safety, and well-being of the residents for the duration of the temporary management and shall perform all acts reasonably necessary to ensure that residents' needs are met. The licensee is responsible for all costs related to administering the temporary management program and contracting with the temporary management. The temporary management agreement shall at a minimum address the following:

(a) Provision of liability insurance to protect residents and their property;

(b) Preservation of resident trust funds;

(c) The timely payment of past due or current accounts, operating expenses, including but not limited to staff compensation, and all debt that comes due during the period of the temporary management;

(d) The responsibilities for addressing all other financial obligations that would interfere with the ability of the temporary manager to provide adequate care and services to residents; and

(e) The authority of the temporary manager to manage the home, including the hiring, managing, and firing of employees for good cause, and to provide adequate care and services to residents.

(4) The licensee and department shall provide written notification immediately to all residents, legal representatives, interested family members, and the state long-term care ombudsman program, of the temporary management and the reasons for it. This notification shall include notice that residents may move from the home without notifying the licensee in advance, and without incurring any charges, fees, or costs otherwise available for insufficient advance notice, during the temporary management period.

(5) The temporary management period under this section concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of administrative proceedings, whichever date is later. Nothing in this section precludes the department from revoking its approval of the temporary management and/or exercising its licensing enforcement authority under this

chapter. The department's decision whether to approve or to revoke a temporary management arrangement is not subject to the administrative procedure act, chapter 34.05 RCW.

(6) The department is authorized to adopt rules implementing this section. In implementing this section, the department shall consult with consumers, advocates, ~~((the adult family home advisory committee established under chapter 18.48 RCW,))~~ and organizations representing adult family homes. The department may recruit and approve qualified, licensed providers interested in serving as temporary managers.

Boarding Home Advisory Board

NEW SECTION. Sec. 7. RCW 18.20.260 (Advisory board) and 2000 c 47 s 8 are each repealed.

Citizens' Work Group on Health Care Reform

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

2008 c 311 s 1 (uncodified);

2008 c 311 s 2 (uncodified);

2008 c 311 s 3 (uncodified); and

2008 c 311 s 4 (uncodified).

Model Toxic Control Act Science Advisory Board

NEW SECTION. Sec. 9. 1997 c 406 s 1 (uncodified) is repealed.

Sec. 10. RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before December 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts; and

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste

management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~(5) ((The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020 and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~—(6))~~ The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((7))~~ (6) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Oil Heat Advisory Committee

Sec. 11. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows: The director shall: (1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the director may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account. The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

(12) ~~((Create an advisory committee of stakeholders to advise the director on all aspects of program operations and fees authorized by this chapter, including pollution prevention programs. The advisory committee must have one member each from the Pacific Northwest oil heat council, the Washington oil marketers association, the western states petroleum association, and the department of ecology and three members from among the owners of home heating oil tanks registered with the pollution liability insurance agency who are generally representative of the geographical distribution and types of registered owners. The committee should meet at least quarterly, or more frequently at the discretion of the director; and~~
~~(13)) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.~~

Parks Centennial Advisory Committee

Sec. 12. RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read as follows:
 This act expires ~~((December 31, 2013))~~ June 30, 2009.

Prescription Drug Purchasing Consortium Advisory Committee

Sec. 13. RCW 70.14.060 and 2005 c 129 s 1 are each amended to read as follows:

(1) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under this section. The administrator shall not require any supplemental rebate offered to the department of social and health services by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) ((The prescription drug consortium advisory committee is created within the authority. The function of the prescription drug advisory committee is to advise the administrator of the state health care authority on the implementation of the prescription drug purchasing consortium.~~

~~(4) The prescription drug consortium advisory committee shall be composed of eleven members selected as provided in this subsection.~~

~~(a) The administrator shall select one member of the prescription drug consortium advisory committee from each list of three nominees submitted by statewide organizations representing the following:~~

~~(i) One representative of state employees, who represents an~~

~~employee union certified as exclusive representative of at least one bargaining unit of classified employees;~~

~~(ii) One member who is a licensed physician;~~

~~(iii) One member who is a licensed pharmacist;~~

~~(iv) One member who is a licensed advanced registered nurse practitioner;~~

~~(v) One member representing a health carrier licensed under Title 48 RCW; and~~

~~(vi) One member representing unions that represent private sector employees;~~

~~(b) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing consumers. One of the consumer members shall have knowledge or experience regarding senior citizen prescription drug cost and utilization issues;~~

~~(c) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses; and~~

~~(d) The administrator shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University.~~

~~(5) The administrator shall consult with the advisory committee on at least a quarterly basis on significant policy decisions related to implementation of the purchasing consortium.~~

~~(6)) This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

~~((7)) (4) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.~~

~~((8)) (5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.~~

Risk Management Advisory Committee

NEW SECTION. **Sec. 14.** RCW 4.92.230 (Risk management--Advisory committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are each repealed.

Sec. 15. RCW 4.92.130 and 2002 c 332 s 14 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager(~~(, with the consultation and advice of the risk management advisory committee)~~). An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the risk management division. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the risk management division in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

Securities Advisory Committee

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 21.20.550 (State advisory committee--Composition, appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282 s 55;

(2) RCW 21.20.560 (State advisory committee--Chairperson, secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s 4, & 1959 c 282 s 56;

(3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and 1959 c 282 s 57;

(4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

(5) RCW 21.20.590 (State advisory committee--Reimbursement of travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, & 1959 c 282 s 59.

Radiologic Technologists Ad Hoc Committee

Sec. 17. RCW 18.84.040 and 2008 c 246 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

~~((4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.))~~

Sec. 18. RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended to read as follows:

The secretary(~~(, ad hoc committee members,))~~ or individuals acting on ~~((their))~~ his or her behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Foster Care Endowed Scholarship Advisory Board

NEW SECTION. Sec. 19. RCW 28B.116.040 (Foster care endowed scholarship advisory board) and 2005 c 215 s 5 are each repealed.

Sec. 20. RCW 28B.116.020 and 2005 c 215 s 3 are each amended to read as follows:

(1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund(~~(, and~~

~~(c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in RCW 28B.116.040)).~~

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

Higher Education Coordinating Board--Work Study

Sec. 21. RCW 28B.12.040 and 1994 c 130 s 4 are each amended to read as follows:

~~((With the assistance of an advisory committee.))~~ The higher education coordinating board shall develop and administer the state work-study program. The board shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

~~((The members of the work-study advisory committee may include, but need not be limited to representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the advisory committee, the board shall consult with institutions of higher education, the state board for community and technical colleges, the workforce training and education coordinating board, and appropriate associations and organizations.))~~ With the exception of off-campus community service placements, the share from moneys disbursed under the state work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers.

Sexual Offender Treatment Providers Advisory Committee

NEW SECTION. Sec. 22. RCW 18.155.050 (Sexual offender treatment providers advisory committee) and 1990 c 3 s 805 are each repealed.

Vendor Rates Advisory Committee

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) RCW 74.32.100 (Advisory committee on vendor rates--Created--Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

(2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor rates" defined) and 1969 ex.s. c 203 s 2;

(3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203 s 3;

(4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

(5) RCW 74.32.140 (Investigation to determine if additional requirements or standards affecting vendor group) and 1971 ex.s. c 298 s 1;

(6) RCW 74.32.150 (Investigation to determine if additional requirements or standards affecting vendor group--Scope of investigation) and 1971 ex.s. c 298 s 2;

(7) RCW 74.32.160 (Investigation to determine if additional requirements or standards affecting vendor group--Changes investigated regardless of source) and 1971 ex.s. c 298 s 3;

(8) RCW 74.32.170 (Investigation to determine if additional requirements or standards affecting vendor group--Prevailing wage scales and fringe benefit programs to be considered) and 1971 ex.s. c 298 s 4; and

(9) RCW 74.32.180 (Investigation to determine if additional requirements or standards affecting vendor group--Additional factors to be accounted for) and 1971 ex.s. c 298 s 5.

Organized Crime Advisory Board

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) RCW 43.43.858 (Organized crime advisory board--Created--Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c 202 s 5;

(2) RCW 43.43.860 (Organized crime advisory board--Terms of members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s 6;

(3) RCW 43.43.862 (Organized crime advisory board--Powers and duties) and 1973 1st ex.s. c 202 s 7;

(4) RCW 43.43.864 (Information to be furnished board--Security--Confidentiality) and 1973 1st ex.s. c 202 s 8;

(5) RCW 10.29.030 (Appointment of statewide special inquiry judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s 3;

(6) RCW 10.29.040 (Scope of investigation and proceeding--Request for additional authority) and 1980 c 146 s 4;

(7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--Removal) and 1980 c 146 s 8; and

(8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c 274 s 205 & 1980 c 146 s 9.

Sec. 25. RCW 43.43.866 and 1980 c 146 s 16 are each amended to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the ~~((organized crime advisory board pursuant to RCW 10.29.090))~~ chief of the Washington state patrol, and may be made either on authorization of the governor or the governor's designee, or upon request of ~~((a majority of the members of the organized crime advisory board))~~ the chief of the Washington state patrol. In order to maintain an effective expenditure and revenue control, the organized crime prosecution revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from the fund.

Sec. 26. RCW 43.10.240 and 1985 c 251 s 1 are each amended to read as follows:

The attorney general shall annually report to the ~~((organized crime advisory board))~~ chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the ~~((board))~~ chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately ~~((by members of the board))~~.

Lieutenant Governor Appointments and Assignments

Sec. 27. RCW 43.15.020 and 2008 c 152 s 9 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

- (a) Capitol furnishings preservation committee, RCW 27.48.040;
- (b) Washington higher education facilities authority, RCW 28B.07.030;
- (c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;
- (d) State finance committee, RCW 43.33.010;
- (e) State capitol committee, RCW 43.34.010;
- (f) Washington health care facilities authority, RCW 70.37.030;
- (g) State medal of merit nominating committee, RCW 1.40.020;
- (h) Medal of valor committee, RCW 1.60.020; and
- (i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

- (a) ~~(Organized crime advisory board, RCW 43.43.858;~~
- ~~(b))~~ Civil legal aid oversight committee, RCW 2.53.010;
- ~~((c))~~ (b) Office of public defense advisory committee, RCW 2.70.030;
- ~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;
- ~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;
- ~~((f))~~ (e) State building code council, RCW 19.27.070;
- ~~((g))~~ (f) Women's history consortium board of advisors, RCW 27.34.365;
- ~~((h))~~ (g) Financial literacy public-private partnership, RCW 28A.300.450;
- ~~((i))~~ (h) Joint administrative rules review committee, RCW 34.05.610;
- ~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;
- ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;
- ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;
- ~~((m))~~ (l) Washington citizens' commission on salaries, RCW 43.03.305;
- ~~((n))~~ (m) Legislative oral history (~~(advisory)~~) committee, RCW ~~(43.07.230)~~ 44.04.325;
- ~~((o))~~ (n) State council on aging, RCW 43.20A.685;
- ~~((p))~~ (o) State investment board, RCW 43.33A.020;
- ~~((q))~~ (p) Capitol campus design advisory committee, RCW 43.34.080;
- ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;
- ~~((s))~~ (r) Information services board, RCW 43.105.032;
- ~~((t))~~ (s) K-20 educational network board, RCW 43.105.800;
- ~~((u))~~ (t) Municipal research council, RCW 43.110.010;
- ~~((v))~~ (u) Council for children and families, RCW 43.121.020;
- ~~((w))~~ (v) PNWER-Net working subgroup under chapter 43.147 RCW;
- ~~((x))~~ (w) Community economic revitalization board, RCW 43.160.030;
- ~~((y))~~ (x) Washington economic development finance authority, RCW 43.163.020;
- ~~((z))~~ ~~Tourism development advisory committee, RCW 43.330.095;~~
- ~~((aa))~~ (y) Life sciences discovery fund authority, RCW 43.350.020;
- ~~((bb))~~ (z) Legislative children's oversight committee, RCW 44.04.220;
- ~~((cc))~~ (aa) Joint legislative audit and review committee, RCW 44.28.010;

- ~~((dd))~~ (bb) Joint committee on energy supply and energy conservation, RCW 44.39.015;
- ~~((ee))~~ (cc) Legislative evaluation and accountability program committee, RCW 44.48.010;
- ~~((ff))~~ (dd) Agency council on coordinated transportation, RCW 47.06B.020;
- ~~((gg))~~ (ee) Manufactured housing task force, RCW 59.22.090;
- ~~((hh))~~ (ff) Washington horse racing commission, RCW 67.16.014;
- ~~((ii))~~ (gg) Correctional industries board of directors, RCW 72.09.080;
- ~~((jj))~~ (hh) Joint committee on veterans' and military affairs, RCW 73.04.150;
- ~~((kk))~~ ~~Washington state parks centennial advisory committee, RCW 79A.75.010;~~
- ~~((ll))~~ ~~Puget Sound council, RCW 90.71.030;~~
- ~~((mm))~~ (ii) Joint legislative committee on water supply during drought, RCW 90.86.020;
- ~~((nn))~~ (jj) Statute law committee, RCW 1.08.001; and
- ~~((oo))~~ (kk) Joint legislative oversight committee on trade policy, RCW 44.55.020.

NEW SECTION. Sec. 28. (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

NEW SECTION. Sec. 29. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 30. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2009."

Correct the title.

Representatives Hunt, Alexander and Priest spoke in favor of the adoption of the amendment.

Amendment (999) was adopted.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5995, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5995, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, 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, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, 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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED SENATE BILL NO. 5995, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
 SUBSTITUTE SENATE BILL NO. 5499,
 SUBSTITUTE SENATE BILL NO. 5510,
 SUBSTITUTE SENATE BILL NO. 6122,
 SENATE BILL NO. 6126,
 SUBSTITUTE SENATE BILL NO. 6161,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073,
 SUBSTITUTE SENATE BILL NO. 5285,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,
 SENATE BILL NO. 5354,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5421,
 SUBSTITUTE SENATE BILL NO. 5431,
 SUBSTITUTE SENATE BILL NO. 5537,
 SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5574,
 SUBSTITUTE SENATE BILL NO. 5777,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
 SUBSTITUTE SENATE BILL NO. 5913,
 ENGROSSED SENATE BILL NO. 5915,
 SENATE BILL NO. 6002,
 SENATE BILL NO. 6121,
 SENATE BILL NO. 6157,
 SENATE BILL NO. 6165,
 ENGROSSED SENATE BILL NO. 6166,
 SENATE BILL NO. 6167,
 SENATE BILL NO. 6168,
 SENATE BILL NO. 6173,
 SENATE BILL NO. 6179,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,
 SENATE BILL NO. 6181,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
 SUBSTITUTE SENATE BILL NO. 5436,
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5963,
 SUBSTITUTE SENATE BILL NO. 6171,
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2357 with the following amendment:

On page 1, after line 6, strike all of section 1.
 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

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2357 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2357, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2357, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, 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, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, 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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED HOUSE BILL NO. 2357, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6171 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6171. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6171, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Concerning savings in programs under the supervision of the department of health.

Representative Campbell moved the adoption of amendment (991):

On page 11, line 25, after "health" strike "~~shall~~ may" and insert "shall"

On page 11, line 26, after "pesticides" insert "according to the degree of risk that the exposure presents to the individual and the greater population as well as the level of funding appropriated in the operating budget"

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

Amendment (991) 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 Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6171, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, 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, 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, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 6171, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1776 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.500.030 and 2006 c 372 s 904 and 2006 c 119 s 1 are each reenacted and amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563. Beginning with calendar year 2007, allocations and

maximum eligibility under this chapter shall be fully funded at one hundred percent and shall not be reduced.

(6) From January 1, 2010, through December 31, 2011, allocations and maximum eligibility under this chapter may be reduced as determined in the 2009-2011 omnibus appropriations act.

Sec. 2. RCW 84.52.0531 and 2009 c 4 s 908 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ~~(2011)~~ 2014, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year ~~((had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess.))~~ using the Initiative 728 base and the allocation the district received in the current school year pursuant to RCW 84.52.068 ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.))~~; and

(b) The difference between the allocations the district would have received the prior school year ~~((had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess.))~~ using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.))~~

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter, except as provided in subsection (6) of this section; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ~~((6))~~ (7) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) The maximum levy percentages provided in subsection (5) of this section shall be increased by four percentage points not to exceed a maximum levy percentage of thirty-five percent for levies approved by voters in 2009 after the effective date of this section through December 31, 2011.

(7) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula

factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((7) For the purposes of this section,))~~ (8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((8) For the purposes of this section,))~~ (b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 base" means the allocation to the student achievement fund for the prior year that would have been made under chapter 3, Laws of 2001, as approved by the voters, if all annual adjustments to the initial 2001 allocation had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's annual salary cost-of-living increases as they would have been calculated under chapter 4, Laws of 2001, as approved by the voters, if each annual cost-of-living increase had been made in previous years and in each subsequent year as provided for under chapter 4, Laws of 2001.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules ~~(and regulations)~~ and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 3. A new section is added to chapter 84.52 RCW to read as follows:

The legislature recognizes that school districts request voter approval for two-year through four-year levies based on their projected levy capacities at the time that the levies are submitted to the voters. It is the intent of the legislature to permit school districts with voter-approved maintenance and operation levies to seek an additional approval from the voters, if subsequently enacted legislation would permit a higher levy.

Sec. 4. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2)(f), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four- year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted

increases affecting the district's levy base or maximum levy percentage. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 5. 2006 c 119 s 3 (uncodified) is amended to read as follows:

This act expires January 1, ~~((2012))~~ 2015.

Sec. 6. 2009 c 4 s 909 (uncodified) is amended to read as follows:

Section 908 of this act expires January 1, ~~((2012))~~ 2015.

NEW SECTION. Sec. 7. State grant funding for the 21st century after-school program is suspended during the 2009-2011 fiscal period.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 9. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531 and 84.52.053; amending 2006 c 119 s 3 (uncodified); amending 2009 c 4 s 909 (uncodified); reenacting and amending RCW 28A.500.030; adding a new section to chapter 84.52 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency."

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 Ericks moved to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1776.

Representatives Ericks, Haigh and Hunter spoke in favor of the motion to concur.

Representatives Priest, Cox, Dammeier, Anderson, Parker, Johnson, Chandler, Kretz, Short, Angel, DeBolt, Hinkle, Schmick, Alexander, Pearson, Hope, Taylor, Sullivan, Bailey, Roach, Miloscia, Haler and Smith spoke against the motion to concur.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 1776, and the bill held its place on the concurrence dispute calendar.

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

SECOND READING

HOUSE BILL NO. 1272, by Representatives Dunshee and White

Concerning state general obligation bonds and related accounts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1272 was substituted for House Bill No. 1272 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1272 was read the second time.

With the consent of the House, amendments (930) and (932) were withdrawn. Amendment (931), which was drafted to amendment (930) was ruled out of order.

Representative Bailey moved the adoption of amendment (897):

Beginning on page 3, line 32, strike all of section 8
Correct the title.

Representatives Bailey and Ericksen spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (897) was not adopted.

Representative Dunshee moved the adoption of amendment (936):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 2007-2009 and 2009-2011 fiscal bienniums, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two billion two hundred nineteen million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) One billion nine hundred forty-seven million dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Twenty-seven million dollars to the outdoor recreation account created by RCW 79A.25.060;

(3) Twenty-seven million dollars to the habitat conservation account created by RCW 79A.15.020;

(4) Six million dollars to the riparian protection account created by RCW 79A.15.120;

(5) Ten million dollars to the farmlands preservation account created by RCW 79A.15.130;

(6) One hundred fifty-nine million dollars to the state taxable building construction account. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (6) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (1), (2), (3), (4), (5), and (6) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 2 (1), (2), (3), (4), (5), and (6) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2 (1), (2), (3), (4), (5), and (6) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 4. (1) Bonds issued under sections 1 through 3 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 2 and 3 of this act shall not be deemed to provide an exclusive method for the payment.

Sec. 6. RCW 47.10.867 and 2003 c 147 s 7 are each amended to read as follows:

For the purpose of providing funds for the planning, design, construction, reconstruction, and other necessary costs for transportation projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((three))~~ two hundred forty-nine million five hundred thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 8. In order to provide funds necessary for the location, design, right-of-way, and construction of the state route number 520 corridor projects, as allowed in section 2, chapter . . . (Engrossed Substitute House Bill No. 2211), Laws of 2009, there shall be issued and sold upon the request of the department of transportation a total of one billion nine hundred fifty million dollars of general obligation bonds of the state of Washington first payable from toll revenue and excise taxes on motor vehicle and special fuels in accordance with section 12 of this act.

NEW SECTION. Sec. 9. Upon the request of the department of transportation, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by this act in accordance with chapter 39.42 RCW. Bonds authorized by this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 10. The proceeds from the sale of bonds authorized by this act shall be deposited in the state route number 520 corridor account created under chapter . . . (Engrossed Substitute House Bill No. 2211), Laws of 2009, and shall be available only for the purposes enumerated in section 8 of this act, for the payment of bond anticipation notes or other interim financing, if any, capitalizing interest on the bonds, and for the payment of bond issuance costs, including the costs of underwriting.

NEW SECTION. Sec. 11. The toll facility bond retirement account is created in the state treasury for the purpose of payment of the principal of and interest and premium on bonds. Both principal of and interest on the bonds issued for the purposes of this act shall be payable from the toll facility bond retirement account. The state finance committee may provide that special subaccounts be created in the account to facilitate payment of the principal of and interest on the bonds. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings.

NEW SECTION. Sec. 12. Bonds issued under the authority of this section and sections 8, 13, and 14 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on the bonds shall be first payable in the manner provided in this section and sections 8, 13, and 14 of this act from toll revenue and then from proceeds of excise taxes on motor vehicle and special fuels to the extent toll revenue is not available for that purpose. Toll revenue and the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW are hereby pledged to the payment of any

bonds and the interest thereon issued under the authority of this section and sections 8, 13, and 14 of this act, and the legislature agrees to continue to impose these toll charges on the state route number 520 corridor, and on any other eligible toll facility designated by the legislature and on which the imposition of tolls is authorized by the legislature in respect of the bonds, and excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of this section and sections 8, 13, and 14 of this act.

NEW SECTION. Sec. 13. For bonds issued under the authority of this section and sections 8, 12, and 14 of this act, the state treasurer shall first withdraw toll revenue from the state route number 520 corridor account created under chapter . . . (Engrossed Substitute House Bill No. 2211), Laws of 2009, and, to the extent toll revenue is not available, excise taxes on motor vehicle and special fuels in the motor vehicle fund and deposit in the toll facility bond retirement account, or a special subaccount in the account, such amounts, and at such times, as are required by the bond proceedings.

Any excise taxes on motor vehicle and special fuels required for bond retirement or interest on the bonds authorized by this section and sections 8, 12, and 14 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be, appropriated to the department for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from available toll revenue in the manner provided in the bond proceedings or, if toll revenue is not available for that purpose, from the first excise taxes on motor vehicle and special fuels distributed to the motor vehicle fund not required for bond retirement or interest on the bonds. Any excise taxes on motor vehicle and special fuels required for bond retirement or interest on the bonds authorized by this section and sections 8, 12, and 14 of this act shall be reimbursed to the motor vehicle fund from toll revenue in the manner and with the priority specified in the bond proceedings.

NEW SECTION. Sec. 14. Bonds issued under the authority of sections 8, 12, and 13 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

Sec. 15. RCW 47.56.850 and 2008 c 122 s 7 are each amended to read as follows:

(1) Unless these powers are otherwise delegated by the legislature, the transportation commission is the tolling authority for the state. The tolling authority shall:

(a) Set toll rates, establish appropriate exemptions, if any, and make adjustments as conditions warrant on eligible toll facilities;

(b) Review toll collection policies, toll operations policies, and toll revenue expenditures on the eligible toll facilities and report annually on this review to the legislature.

(2) The tolling authority, in determining toll rates, shall consider the policy guidelines established in RCW 47.56.830.

(3) Unless otherwise directed by the legislature, in setting and periodically adjusting toll rates, the tolling authority must ensure that toll rates will generate revenue sufficient to:

(a) Meet the operating costs of the eligible toll facilities, including necessary maintenance, preservation, renewal, replacement, administration, and toll enforcement by public law enforcement;

(b) Meet obligations for the ~~((repayment))~~ timely payment of debt ((and interest on the)) service on bonds issued for eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, ((and)) insurance, and compliance with all other financial and other covenants made by the state in the bond proceedings; ((and))

(c) Meet obligations to reimburse the motor vehicle fund for excise taxes on motor vehicle and special fuels applied to the payment of bonds issued for eligible toll facilities; and

(d) Meet any other obligations of the tolling authority to provide its proportionate share of funding contributions for any projects or operations of the eligible toll facilities.

(4) The established toll rates may include variable pricing, and should be set to optimize system performance, recognizing necessary trade-offs to generate revenue for the purposes specified in subsection (3) of this section. Tolls may vary for type of vehicle, time of day, traffic conditions, or other factors designed to improve performance of the system.

(5) In fixing and adjusting toll rates under this section, the only toll revenue to be taken into account must be toll revenue pledged to bonds that includes toll receipts, and the only debt service requirements to be taken into account must be debt service on bonds payable from and secured by toll revenue that includes toll receipts.

(6) The legislature pledges to appropriate toll revenue as necessary to carry out the purposes of this section. When the legislature has specifically identified and designated an eligible toll facility and authorized the issuance of bonds for the financing of the eligible toll facility that are payable from and secured by a pledge of toll revenue, the legislature further agrees for the benefit of the owners of outstanding bonds issued by the state for eligible toll facilities to continue in effect and not to impair or withdraw the authorization of the tolling authority to fix and adjust tolls as provided in this section. The state finance committee shall pledge the state's obligation to impose and maintain tolls, together with the application of toll revenue as described in this section, to the owners of any bonds.

NEW SECTION. Sec. 16. If and to the extent that the state finance committee determines, in consultation with the department of transportation and the tolling authority, that it will be beneficial for the state to issue any bonds authorized in sections 8 and 12 through 14 of this act as toll revenue bonds rather than as general obligation bonds, the state finance committee is authorized to issue and sell, upon the request of the department of transportation, such bonds as toll revenue bonds and not as general obligation bonds. Notwithstanding section 12 of this act, each such bond shall contain a recital that payment or redemption of the bond and payment of the interest and any premium thereon is payable solely from and secured solely by a direct pledge, charge, and lien upon toll revenue and is not a general obligation of the state to which the full faith and credit of the state is pledged.

Toll revenue is hereby pledged to the payment of any bonds and the interest thereon issued under the authority of this section, and the legislature agrees to continue to impose these toll charges on the state route number 520 corridor, and on any other eligible toll facility designated by the legislature and on which the imposition of tolls is

authorized by the legislature in respect of the bonds, in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of this section.

NEW SECTION. Sec. 17. The state finance committee may determine and include in any resolution authorizing the issuance of any bonds under this act, such terms, provisions, covenants, and conditions as it may deem appropriate in order to assist with the marketing and sale of the bonds, confer rights upon the owners of bonds, and safeguard rights of the owners of bonds including, among other things:

(1) Provisions regarding the maintenance and operation of eligible toll facilities;

(2) The pledges, uses, and priorities of application of toll revenue;

(3) Provisions that bonds shall be payable from and secured solely by toll revenue as provided by section 16 of this act, or shall be payable from and secured by both toll revenue and by a pledge of excise taxes on motor vehicle and special fuels and the full faith and credit of the state as provided in sections 8 and 12 through 14 of this act;

(4) In consultation with the department of transportation and the tolling authority, financial covenants requiring that the eligible toll facilities must produce specified coverage ratios of toll revenue to debt service on bonds;

(5) The purposes and conditions that must be satisfied prior to the issuance of any additional bonds that are to be payable from and secured by any toll revenue on an equal basis with previously issued and outstanding bonds payable from and secured by toll revenue;

(6) Provisions that bonds for which any toll revenue are pledged, or for which a pledge of any toll revenue may be reserved, may be structured on a senior, parity, subordinate, or special lien basis in relation to any other bonds for which toll revenue is pledged, with respect to toll revenue only; and

(7) Provisions regarding reserves, credit enhancement, liquidity facilities, and payment agreements with respect to bonds.

Notwithstanding the foregoing, covenants and conditions detailing the character of management, maintenance, and operation of eligible toll facilities, insurance for eligible toll facilities, financial management of toll revenue, and disposition of eligible toll facilities must first be approved by the department of transportation.

The owner of any bond may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon the tolling authority and the department of transportation and their respective officials, including any duties imposed upon or undertaken by them or by their respective officers, agents, and employees, in connection with the construction, maintenance, and operation of eligible toll facilities and in connection with the collection, deposit, investment, application, and disbursement of the proceeds of the bonds and toll revenue.

NEW SECTION. Sec. 18. (1) For the purposes of this act, "toll revenue" means all toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of eligible toll facilities. However, for the purpose of any pledge of toll revenue to the payment of particular bonds issued under this act, "toll revenue" means and includes only such toll revenue or portion thereof that is pledged to the payment of those bonds in the resolution authorizing the issuance of such bonds. Toll revenue constitutes "fees and revenues derived from the ownership or operation of any undertaking, facility, or project" as that phrase is used in Article VIII, section 1(c)(1) of the state Constitution.

(2) For the purposes of this act, "tolling authority" has the same meaning as in RCW 47.56.810.

NEW SECTION. Sec. 19. Sections 8 through 14 and 16 through 18 of this act are each added to chapter 47.10 RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

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

Representative Warnick spoke against the adoption of the amendment.

Amendment (936) was adopted. The bill was ordered engrossed.

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

Representatives Dunshee, Clibborn and Campbell spoke in favor of the passage of the bill.

Representatives Warnick, Roach, Klippert, Bailey, Alexander, Anderson and Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1272.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1272 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, Dunshee, Eddy, Ericks, Finn, Flannigan, 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, 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, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Armstrong and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed SENATE BILL NO. 6096, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5013,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6096 by Senator Tom

AN ACT Relating to the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United States by vessels in foreign commerce; amending RCW 82.04.433; creating new sections; and declaring an emergency.

There being no objection, SENATE BILL NO. 6096 was read the first time, and under suspension of the rules, the bill was placed on the second reading calendar.

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5795,
SENATE BILL NO. 6126,
ENGROSSED SENATE BILL NO. 6158,
SUBSTITUTE SENATE BILL NO. 6161,
SUBSTITUTE SENATE BILL NO. 6162,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SENATE BILL NO. 5013,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809,
SUBSTITUTE SENATE BILL NO. 5963,
ENGROSSED SENATE BILL NO. 5995,
ENGROSSED SENATE BILL NO. 6137,
SUBSTITUTE SENATE BILL NO. 6171,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2122, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2363 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the ~~((2003-04))~~ 2009-10 and ~~((2004-05))~~ 2010-11 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(d) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, school districts shall receive additional cost-of-living allocations in equal increments such that by the end of the 2014-15 school year school district employee base salaries used with the statewide salary allocation schedule established under RCW 28A.150.410 and any other state salary models used to recognize school district personnel costs are, at a minimum, equal to what they would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 2. RCW 28B.50.465 and 2003 1st sp.s. c 20 s 3 are each amended to read as follows:

(1) Academic employees of community and technical college districts shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "academic employee" has the same meaning as defined in RCW 28B.52.020.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection, each college district shall receive a cost-of-living allocation sufficient to increase academic employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A college district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each college district shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for academic employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the ~~((2003-04))~~ 2009-2010 and ~~((2004-05))~~ 2010-2011 fiscal years, the state shall fully fund the cost-of-living increase set forth in this section.

(e) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, community and technical college districts shall receive additional cost-of-living allocations in equal increments such that, by the end of the 2014-15 academic year, average salaries of academic employees of community and technical college districts will be, at a minimum, equal to what salaries would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 3. RCW 28B.50.468 and 2003 1st sp.s. c 20 s 4 are each amended to read as follows:

(1) Classified employees of technical colleges shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "technical college" has the same meaning as defined in RCW 28B.50.030. This section applies to only those classified employees under the jurisdiction of chapter 41.56 RCW.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection, each technical college board of trustees shall receive a cost-of-living allocation sufficient to increase classified employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A technical college board of trustees shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the technical college's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each technical college shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for technical college classified employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the ((2003-2004)) 2009-2010 and ((2004-2005)) 2010-2011 fiscal years, the state shall fully fund the cost-of-living increase set forth in this section.

(e) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, technical college districts shall receive additional cost-of-living allocations in equal increments such that, by the end of the 2014-15 academic year, average salaries of classified employees of technical college districts will be, at a minimum, equal to what salaries would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.400.205, 28B.50.465, and 28B.50.468; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2361 with the following amendment:

On page 1, line 11, after "the client." insert the following:

"To the extent permitted under federal law, the provisions of this subsection shall not apply if the family member providing care is older than the client."

On page 2, after line 15, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 74.39A RCW to read as follows:

(1) Beginning July 1, 2010, the department shall not pay a home care agency licensed under chapter 70.127 RCW for in-home personal care or respite services provided under this chapter, Title 71A RCW, or chapter 74.39 RCW if the home care agency does not verify agency employee hours by electronic time keeping.

(2) For purposes of this section, "electronic time keeping" means an electronic, verifiable method of recording an employee's presence in the client's home at the beginning and end of the employee's client visit workday."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "care", strike the remainder of the title and insert "; adding new sections to chapter 74.39A RCW; creating a new section; and declaring an emergency."

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

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2361 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody, Alexander and Ericksen spoke in favor of the passage of the bill.

Representatives Condotta and Simpson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2361, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2361, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, 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, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Goodman and Grant-Herriot.

Excused: Representatives Armstrong and Walsh.

SUBSTITUTE HOUSE BILL NO. 2361, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs and Prentice)

Concerning environmental tax incentives.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For committee amendment, see Journal, Day 101, April 22, 2009.)

With the consent of the House, amendments (884) and (938) were withdrawn.

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

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

Representatives DeBolt, Orcutt and Hasegawa spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6170.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6170 and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Lias, 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, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Cody, Condotta, Crouse, Flannigan, Hasegawa, Kretz, Nelson, Shea, Simpson and Williams.

Excused: Representatives Armstrong and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6096, by Senator Tom

Concerning the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United States by vessels in foreign commerce.

Representative Ericksen moved the adoption of amendment (1000):

On page 2, beginning on line 22, after "applies" strike "both prospectively and retroactively" and insert "prospectively only"

Representatives Ericksen and Kessler spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 46 – YEAS; 50 – NAYS.

Amendment (1000) was not adopted.

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

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6096.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6096, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor and Warnick.

Excused: Representatives Armstrong and Walsh.

SENATE BILL NO. 6096, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 6122, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

SECOND SUBSTITUTE SENATE BILL NO. 5433,
SENATE BILL NO. 6096,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SENATE BILL NO. 5995, passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate concurred in amendment 5963-S AMH CONW REIN 077 (#556) to SUBSTITUTE SENATE BILL NO. 5963. The Senate refuses to concur in the House amendments 5963-S AMH GREE REIN 072 (#549) and 5963-S AMH GREE REIN 071 (#550) to the same bill and asks the House to recede therefrom, and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

HOUSE AMENDMENT TO SENATE BILL

Representative Conway moved that the House recede from amendments (#549) and (#550) to SUBSTITUTE SENATE BILL NO. 5963.

POINT OF ORDER

Representative Simpson: "Mr. Speaker, under the rules of the House, is it ordinary for us to recede from both amendments or can we ask the division of the amendments?"

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "The good gentleman from the 47th District, I am going to take your point as a request to divide the question. The question will be divided into a motion to recede from amendment (549) and a motion to recede from amendment (550)."

Representative Williams demanded an electronic roll call on both motions. The demand was sustained.

Representative Chandler spoke in favor of the motion to recede from amendment (549).

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to recede from amendment (549) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of the motion to recede from amendment (549) to Substitute Senate Bill No. 5963 and the

motion was adopted by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Carlyle, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Campbell, Chase, Cody, Conway, Dunshee, Goodman, Green, Hasegawa, Hudgins, Kenney, Kirby, Lias, Miloscia, Moeller, Morrell, Nelson, Ormsby, Pedersen, Probst, Roberts, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Armstrong and Walsh.

The House receded from amendment (549) to Substitute Senate Bill No. 5963.

The question before the House was the motion to recede from amendment (550) to Substitute Senate Bill No. 5963.

Representative Condotta spoke in favor of the motion to recede from amendment (550).

Representatives Van De Wege, Williams and Simpson spoke against the motion to recede from amendment (550).

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to recede from amendment (550) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the motion to recede from amendment (550) to Substitute Senate Bill No. 5963 and the motion was adopted by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Carlyle, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kagi, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Campbell, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Jacks, Kenney, Kirby, Lias, Miloscia, Moeller, Morrell, Nelson, Ormsby, Roberts, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Armstrong and Walsh.

The House receded from amendment (550) to Substitute Senate Bill No. 5963.

There being no objection, the House advanced the bill without the House amendments to final passage.

**FINAL PASSAGE OF SENATE BILL
WITHOUT HOUSE AMENDMENT**

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

Representatives Conway, Green and Simpson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5963, without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5963, without House amendments (549) and (550), and the bill passed the House by the following vote: Yeas, 71; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Johnson, Kagi, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Chase, Conway, Dickerson, Goodman, Green, Hasegawa, Hunt, Jacks, Kenney, Kirby, Liias, Miloscia, Moeller, Morrell, Nelson, Ormsby, Roberts, Sells, Simpson, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Armstrong and Walsh.

SUBSTITUTE SENATE BILL NO. 5963, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SENATE BILL 6096 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6096, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6096, on reconsideration, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kirby, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Seaquist, Sells,

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

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor and Warnick.

Excused: Representatives Armstrong and Walsh.

SENATE BILL NO. 6096, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6137, and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6138, and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 6171, passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

**SECOND SUPPLEMENTAL
INTRODUCTION AND FIRST READING**

ESB 6137 by Senator Prentice

AN ACT Relating to common schools fund transfers during fiscal year 2009; amending 2008 c 329 s 516 (uncodified); and declaring an emergency.

SSB 6138 by Senate Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to making corrections to implement 2009 Substitute House Bill No. 1776 regarding temporary maximum levy percentages for common schools; amending RCW 84.52.0531; providing an expiration date; and declaring an emergency.

There being no objection, the bills listed on the second supplemental introduction sheet under the fourth order of business were read the first time, and under suspension of the rules, the bills were placed on the second reading calendar.

POINT OF ORDER

Representative DeBolt: "Mr. Speaker, we have an amendatory process in the legislature. We have not had time to put amendments to this bill on the bar. We are working on a striking amendment for it currently. I am sure you do not want to stifle debate and the opportunity to amend this bill. The amendment is being walked over."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you. The Speaker will consider your point."

There being no objection, the House deferred further consideration of SUBSTITUTE SENATE BILL NO. 6138 and the bill held its place on the second reading calendar.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216 with the following amendment:

- On page 31, on line 35, increase the amount by \$550,000
- On page 32, on line 3, increase the amount by \$550,000
- On page 32, on line 28, decrease the amount by \$469,000
- On page 33, on line 4, decrease the amount by \$469,000
- On page 33, delete all material on line 34
- On page 33, on line 21, increase the amount by \$938,000
- On page 33, after line 34, insert the following:
 "Small Community Jobs - Connell Infrastructure
 \$1,100,000"

On page 33, on line 23, after "agreement with" delete "Kalspel" and insert "Kalispel"

- On page 33, delete all material on line 31
- On page 33, delete all material on line 35
- On page 34, delete all material on line 11
- On page 148, after line 3, insert the following:

"NEW SECTION. Sec. 4009. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Freight Mobility Multimodal Account--	State Appropriation
.....	\$700,000
TOTAL APPROPRIATION.....	\$700,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the west Vancouver freight access project (4LP701F) as identified on LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Local Program (Z) referenced in section 311, chapter . . . (Engrossed Substitute Senate Bill 5352), Laws of 2009."

On page 238, after line 36, insert the following:
"Sec. 6028 RCW 28A.335.210 and 2006 c 263 s 327 are each amended to read as follows:

(1) The superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may

be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

- ~~((1))~~ (a) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;
- ~~((2))~~ (b) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;
- ~~((3))~~ (c) Reject the results of the selection process;
- ~~((4))~~ (d) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

(2) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state.

Sec. 6029 RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read as follows:

(1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art. The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(2) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

(3) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state.

Sec. 6030 RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

(1) All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature.

(2) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state."

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

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

Representatives Ross and Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1216, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1216, as amended by the Senate, and the

bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, 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, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

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

Excused: Representatives Armstrong and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SENATE BILL NO. 6137, by Senator Prentice

Relating to common schools. (REVISED FOR PASSED LEGISLATURE: Concerning common schools fund transfers.)

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 Linville, Alexander, Anderson and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6137.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6137 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, 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, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Walsh.

ENGROSSED SENATE BILL NO. 6137, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE HOUSE BILL NO. 1062
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782
 SUBSTITUTE HOUSE BILL NO. 2122
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125
 ENGROSSED HOUSE BILL NO. 2194
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245
 HOUSE BILL NO. 2331
 SUBSTITUTE HOUSE BILL NO. 2341
 SUBSTITUTE HOUSE BILL NO. 2346
 ENGROSSED HOUSE BILL NO. 2357
 SUBSTITUTE HOUSE BILL NO. 2361
 SUBSTITUTE HOUSE BILL NO. 2362
 SUBSTITUTE HOUSE BILL NO. 2363
 ENGROSSED SENATE BILL NO. 5013
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5073
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5263
 SUBSTITUTE SENATE BILL NO. 5285
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5288
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5321
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5352
 SENATE BILL NO. 5354
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5421
 SUBSTITUTE SENATE BILL NO. 5431
 SECOND SUBSTITUTE SENATE BILL NO. 5433
 SUBSTITUTE SENATE BILL NO. 5436
 SUBSTITUTE SENATE BILL NO. 5499
 SUBSTITUTE SENATE BILL NO. 5510
 SUBSTITUTE SENATE BILL NO. 5537
 SENATE BILL NO. 5554
 SUBSTITUTE SENATE BILL NO. 5574
 SUBSTITUTE SENATE BILL NO. 5777
 SUBSTITUTE SENATE BILL NO. 5795
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5811
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5889
 SUBSTITUTE SENATE BILL NO. 5913
 ENGROSSED SENATE BILL NO. 5915
 SUBSTITUTE SENATE BILL NO. 5963
 ENGROSSED SENATE BILL NO. 5995
 SENATE BILL NO. 6002
 SENATE BILL NO. 6096
 SENATE BILL NO. 6121

SUBSTITUTE SENATE BILL NO. 6122
 SENATE BILL NO. 6126
 ENGROSSED SENATE BILL NO. 6137
 SENATE BILL NO. 6157
 ENGROSSED SENATE BILL NO. 6158
 SUBSTITUTE SENATE BILL NO. 6161
 SUBSTITUTE SENATE BILL NO. 6162
 SENATE BILL NO. 6165
 ENGROSSED SENATE BILL NO. 6166
 SENATE BILL NO. 6167
 SENATE BILL NO. 6168
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6170
 SUBSTITUTE SENATE BILL NO. 6171
 SENATE BILL NO. 6173
 SENATE BILL NO. 6179
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6180
 SENATE BILL NO. 6181

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272,
 ENGROSSED HOUSE BILL NO. 2122,
 ENGROSSED HOUSE BILL NO. 2357,
 SUBSTITUTE HOUSE BILL NO. 2361,
 SUBSTITUTE HOUSE BILL NO. 2363,

And the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8407, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8408, and the same is herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2009-4653, by Representatives Kessler and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives

for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2009 Regular Session of the Sixty-First Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to carry out the directions of the Executive Rules Committee regarding the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or other fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending

conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-First Legislature, as well as any committee assembly.

FLOOR RESOLUTION NO. 4653 was adopted.

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

THIRD SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8407 by Senators Eide and Schoesler

Returning bills to their house of origin.

SCR 8408 by Senators Brown and Hewitt

Adjourning SINE DIE.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8407 was read the first time, and under suspension of the rules, the resolution was placed on the second reading calendar.

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

SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8407, by
Senators Eide and Schoesler**

Returning bills to their house of origin.

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.

SENATE CONCURRENT RESOLUTION NO. 8407 was adopted.

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

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8408 was read the first time, and under suspension of the rules, the resolution was placed on the second reading calendar.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators Brown and Hewitt

Adjourning SINE DIE.

The resolution was read the second time.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8408.

SENATE CONCURRENT RESOLUTION NO. 8408 was adopted.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed the following:

SENATE CONCURRENT RESOLUTION NO. 8407,
SENATE CONCURRENT RESOLUTION NO. 8408,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker has signed the following:

SENATE CONCURRENT RESOLUTION NO. 8407,
SENATE CONCURRENT RESOLUTION NO. 8408,

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE HOUSE BILL NO. 1062,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125,
ENGROSSED HOUSE BILL NO. 2194,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245,
HOUSE BILL NO. 2331,
SUBSTITUTE HOUSE BILL NO. 2341,
SUBSTITUTE HOUSE BILL NO. 2346,

SUBSTITUTE HOUSE BILL NO. 2362,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8407, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1001,
SUBSTITUTE HOUSE BILL NO. 1008,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,
HOUSE BILL NO. 1016,
HOUSE BILL NO. 1028,
HOUSE BILL NO. 1037,
HOUSE BILL NO. 1060,
HOUSE BILL NO. 1075,
SUBSTITUTE HOUSE BILL NO. 1079,
HOUSE BILL NO. 1080,
SUBSTITUTE HOUSE BILL NO. 1085,
HOUSE BILL NO. 1088,
HOUSE BILL NO. 1089,
SECOND SUBSTITUTE HOUSE BILL NO. 1090,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1101,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,
HOUSE BILL NO. 1132,
SUBSTITUTE HOUSE BILL NO. 1135,
HOUSE BILL NO. 1139,
SUBSTITUTE HOUSE BILL NO. 1140,
SUBSTITUTE HOUSE BILL NO. 1152,
HOUSE BILL NO. 1171,
SECOND SUBSTITUTE HOUSE BILL NO. 1180,
HOUSE BILL NO. 1204,
HOUSE BILL NO. 1212,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234,
SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED HOUSE BILL NO. 1251,
SECOND SUBSTITUTE HOUSE BILL NO. 1252,
HOUSE BILL NO. 1302,
SUBSTITUTE HOUSE BILL NO. 1304,
HOUSE BILL NO. 1310,
HOUSE BILL NO. 1312,
SUBSTITUTE HOUSE BILL NO. 1321,
SUBSTITUTE HOUSE BILL NO. 1329,
HOUSE BILL NO. 1331,
SUBSTITUTE HOUSE BILL NO. 1357,
SUBSTITUTE HOUSE BILL NO. 1369,
SUBSTITUTE HOUSE BILL NO. 1371,
HOUSE BILL NO. 1374,
HOUSE BILL NO. 1389,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393,
SUBSTITUTE HOUSE BILL NO. 1408,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409,
SUBSTITUTE HOUSE BILL NO. 1418,
SECOND SUBSTITUTE HOUSE BILL NO. 1429,
HOUSE BILL NO. 1431,
SECOND SUBSTITUTE HOUSE BILL NO. 1450,
HOUSE BILL NO. 1456,
SUBSTITUTE HOUSE BILL NO. 1457,
ENGROSSED HOUSE BILL NO. 1460,
HOUSE BILL NO. 1462,
HOUSE BILL NO. 1463,
HOUSE BILL NO. 1468,
HOUSE BILL NO. 1483,
HOUSE BILL NO. 1491,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,

ENGROSSED HOUSE BILL NO. 1499,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,
 HOUSE BILL NO. 1541,
 HOUSE BILL NO. 1544,
 ENGROSSED HOUSE BILL NO. 1547,
 SUBSTITUTE HOUSE BILL NO. 1554,
 HOUSE BILL NO. 1561,
 SUBSTITUTE HOUSE BILL NO. 1564,
 SUBSTITUTE HOUSE BILL NO. 1572,
 SUBSTITUTE HOUSE BILL NO. 1575,
 SUBSTITUTE HOUSE BILL NO. 1595,
 SUBSTITUTE HOUSE BILL NO. 1597,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8407, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1614,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618,
 SUBSTITUTE HOUSE BILL NO. 1647,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669,
 ENGROSSED HOUSE BILL NO. 1679,
 SUBSTITUTE HOUSE BILL NO. 1683,
 HOUSE BILL NO. 1690,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703,
 HOUSE BILL NO. 1722,
 ENGROSSED HOUSE BILL NO. 1728,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1752,
 HOUSE BILL NO. 1753,
 HOUSE BILL NO. 1757,
 SUBSTITUTE HOUSE BILL NO. 1761,
 SECOND SUBSTITUTE HOUSE BILL NO. 1762,
 SUBSTITUTE HOUSE BILL NO. 1774,
 HOUSE BILL NO. 1785,
 SECOND SUBSTITUTE HOUSE BILL NO. 1797,
 SUBSTITUTE HOUSE BILL NO. 1802,
 HOUSE BILL NO. 1818,
 HOUSE BILL NO. 1822,
 HOUSE BILL NO. 1830,
 SUBSTITUTE HOUSE BILL NO. 1831,
 ENGROSSED HOUSE BILL NO. 1836,
 SUBSTITUTE HOUSE BILL NO. 1838,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 1864,
 ENGROSSED HOUSE BILL NO. 1876,
 HOUSE BILL NO. 1880,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889,
 SUBSTITUTE HOUSE BILL NO. 1898,
 SUBSTITUTE HOUSE BILL NO. 1900,
 HOUSE BILL NO. 1912,
 SUBSTITUTE HOUSE BILL NO. 1914,
 SUBSTITUTE HOUSE BILL NO. 1952,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956,
 ENGROSSED HOUSE BILL NO. 1965,
 SUBSTITUTE HOUSE BILL NO. 1981,
 SECOND SUBSTITUTE HOUSE BILL NO. 1985,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
 SUBSTITUTE HOUSE BILL NO. 2010,
 ENGROSSED HOUSE BILL NO. 2044,

SUBSTITUTE HOUSE BILL NO. 2068,
 SECOND SUBSTITUTE HOUSE BILL NO. 2113,
 SECOND SUBSTITUTE HOUSE BILL NO. 2114,
 HOUSE BILL NO. 2117,
 SECOND SUBSTITUTE HOUSE BILL NO. 2130,
 ENGROSSED HOUSE BILL NO. 2138,
 HOUSE BILL NO. 2142,
 SUBSTITUTE HOUSE BILL NO. 2147,
 HOUSE BILL NO. 2164,
 SECOND SUBSTITUTE HOUSE BILL NO. 2167,
 HOUSE BILL NO. 2185,
 SUBSTITUTE HOUSE BILL NO. 2196,
 SUBSTITUTE HOUSE BILL NO. 2198,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2267,
 HOUSE BILL NO. 2271,
 SUBSTITUTE HOUSE BILL NO. 2275,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2318,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338,
 HOUSE BILL NO. 2360,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8407, the following Senate bills were returned to the Senate:

SENATE BILL NO. 5002
 SUBSTITUTE SENATE BILL NO. 5005
 SUBSTITUTE SENATE BILL NO. 5007
 ENGROSSED SENATE BILL NO. 5014
 SUBSTITUTE SENATE BILL NO. 5026
 SENATE BILL NO. 5031
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5032
 SUBSTITUTE SENATE BILL NO. 5048
 SUBSTITUTE SENATE BILL NO. 5061
 SENATE BILL NO. 5074
 SENATE BILL NO. 5076
 SUBSTITUTE SENATE BILL NO. 5115
 SENATE BILL NO. 5127
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5138
 SUBSTITUTE SENATE BILL NO. 5141
 SUBSTITUTE SENATE BILL NO. 5152
 SUBSTITUTE SENATE BILL NO. 5179
 SENATE BILL NO. 5193
 SENATE BILL NO. 5205
 SENATE BILL NO. 5211
 SUBSTITUTE SENATE BILL NO. 5212
 SENATE BILL NO. 5218
 SUBSTITUTE SENATE BILL NO. 5219
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5225
 SUBSTITUTE SENATE BILL NO. 5232
 SUBSTITUTE SENATE BILL NO. 5269
 SUBSTITUTE SENATE BILL NO. 5295
 SENATE BILL NO. 5297
 SUBSTITUTE SENATE BILL NO. 5301
 SENATE BILL NO. 5316
 SUBSTITUTE SENATE BILL NO. 5317
 SENATE BILL NO. 5320
 SUBSTITUTE SENATE BILL NO. 5332
 SENATE BILL NO. 5370
 SENATE BILL NO. 5374
 SENATE BILL NO. 5378
 SUBSTITUTE SENATE BILL NO. 5383
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5400
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5403

ENGROSSED SUBSTITUTE SENATE BILL NO. 5406
 SENATE BILL NO. 5412
 SUBSTITUTE SENATE BILL NO. 5424
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5449
 SUBSTITUTE SENATE BILL NO. 5451
 SENATE BILL NO. 5453
 SECOND SUBSTITUTE SENATE BILL NO. 5484
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5485
 SECOND SUBSTITUTE SENATE BILL NO. 5491
 SENATE BILL NO. 5498
 SENATE BILL NO. 5500
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5502
 SENATE BILL NO. 5507
 ENGROSSED SENATE BILL NO. 5519
 SUBSTITUTE SENATE BILL NO. 5528
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5529
 SUBSTITUTE SENATE BILL NO. 5553
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5555
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5557
 ENGROSSED SENATE BILL NO. 5617
 SUBSTITUTE SENATE BILL NO. 5638
 SUBSTITUTE SENATE BILL NO. 5659
 SENATE BILL NO. 5661
 SUBSTITUTE SENATE BILL NO. 5678
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5682
 SECOND SUBSTITUTE SENATE BILL NO. 5691
 SUBSTITUTE SENATE BILL NO. 5698
 SUBSTITUTE SENATE BILL NO. 5704
 SUBSTITUTE SENATE BILL NO. 5708
 ENGROSSED SENATE BILL NO. 5714
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5716
 SENATE BILL NO. 5717
 SUBSTITUTE SENATE BILL NO. 5727
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5742
 SENATE BILL NO. 5751
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5763
 SUBSTITUTE SENATE BILL NO. 5779
 SUBSTITUTE SENATE BILL NO. 5780
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5800
 SUBSTITUTE SENATE BILL NO. 5802
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5807
 SUBSTITUTE SENATE BILL NO. 5826
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5828
 SUBSTITUTE SENATE BILL NO. 5833
 SUBSTITUTE SENATE BILL NO. 5879
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5880
 ENGROSSED SENATE BILL NO. 5886
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5890
 SUBSTITUTE SENATE BILL NO. 5893
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5895
 SUBSTITUTE SENATE BILL NO. 5899
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5916
 SENATE BILL NO. 5940
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5943
 SENATE BILL NO. 5951
 SUBSTITUTE SENATE BILL NO. 5957
 SENATE BILL NO. 5986
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6032
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6035
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6037
 ENGROSSED SENATE BILL NO. 6048
 SUBSTITUTE SENATE BILL NO. 6052
 SENATE BILL NO. 6053
 SENATE BILL NO. 6103
 SUBSTITUTE SENATE BILL NO. 6172
 SENATE BILL NO. 6183
 SENATE JOINT RESOLUTION NO. 8209

MOTIONS

On motion of Representative Kessler, the reading of the Journal of the 105th Day of the 2009 Regular Session of the 61th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Kessler, the 2009 Regular Session of the 61st Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

