SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY SIXTH DAY

House Chamber, Olympia, Friday, April 17, 2009

The House was called to order at 10:00 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 Annie Caldwell and Jordan Pennington. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Norma Smith.

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

INTRODUCTION AND FIRST READING

HB 2379 by Representatives Seaquist, Van De Wege and Angel

AN ACT Relating to preserving the maritime heritage of the state of Washington; amending RCW 82.49.010, 88.02.010, and 88.02.053; adding a new section to chapter 27.34 RCW; adding a new section to chapter 88.02 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2380 by Representatives Simpson, Williams, Van De Wege, Sells, White, Liias and Ormsby

AN ACT Relating to creating the long-term care services funding act of 2009.

Referred to Committee on Ways & Means.

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

REPORTS OF STANDING COMMITTEES

April 16, 2009

HB 2068 Prime Sponsor, Representative Goodman: Concerning criminal background checks. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

April 16, 2009

HB 2359 Prime Sponsor, Representative Cody: Concerning delaying the implementation date for peer mentoring for long-term care workers. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

April 16, 2009

HB 2360 Prime Sponsor, Representative Darneille: Concerning consolidation of administrative services for AIDS grants in the department of health. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

April 16, 2009

SB 5525 Prime Sponsor, Senator Carrell: Concerning rental vouchers to allow release from state institutions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Human Services.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.728 and 2007 c 483 s 304 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 supervision, community placement, or 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 or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;~~

~~(b) 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, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;~~

~~(c) 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 placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;~~

~~(d) The department may deny transfer to community custody status 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 or community placement;~~

~~(c) If the department denies transfer to community custody status in lieu of earned early release pursuant to (d) 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;~~

~~(f) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;~~

~~(3)~~)) An offender may earn early release time as authorized by section 3 of this act.

(2) 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)~~))) (3)(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 to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) 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. 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.

(e) Persistent offenders are not eligible for extraordinary medical placement;

(((~~(5)~~))) (4) 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)~~))) (5) 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)(c)~~)) section 3(5)(d) of this ((~~section~~)) act;

(((~~(7)~~))) (6) The governor may pardon any offender;

(((~~(8)~~))) (7) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(((~~(9)~~))) (8) 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.

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~~)).

Sec. 2. 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 earn early release time as authorized by section 3 of this act.

(2) 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)~~))) (3)(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 to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) 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. 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.

(e) Persistent offenders are not eligible for extraordinary medical placement;

(((~~(5)~~))) (4) 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)~~))) (5) 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)~~))) section 3(5)(d) of this ((~~section~~)) act;

(((~~(7)~~))) (6) The governor may pardon any offender;

((~~(8)~~)) (7) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

((~~(9)~~)) (8) 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)~~)) (9) 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. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) 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 adopted 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.

(2) 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.

(3) An offender may earn early release time as follows:

(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.

(b) 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.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

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

(A) A sex offense;

(B) A violent offense;

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

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

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

(F) 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

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

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) 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

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

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

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who is 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, shall be transferred to community custody in lieu of earned release time;

(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 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 is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed 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 RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) 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.

NEW SECTION. Sec. 4. The department shall report to the legislature and the appropriate committees by December 1, 2009, the number of rental vouchers issued to offenders pursuant to this act,

any sanction history for offenders after they received the vouchers, and additional information tracked by the department that may assist the legislature in evaluating the rental voucher program.

NEW SECTION. Sec. 5. Section 2 of this act takes effect August 1, 2009.

NEW SECTION. Sec. 6. Section 1 of this act expires August 1, 2009.

NEW SECTION. Sec. 7. 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."

Correct the title.

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

MINORITY recommendation: Without recommendation. Signed by Representatives Bailey, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

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

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5433, by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Swecker, Rockefeller, Morton, Fraser, Ranker, Fairley and Shin)

Modifying provisions of local option taxes.

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, 78 Day, March 30, 2009.)

Representative Hunter moved the adoption of amendment (748):

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;

((~~(c)~~)) (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;

((~~(d)~~)) (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;

((~~(e)~~)) (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

((~~(f)~~)) (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. Sections 1 and 2 of this act expire January 1, 2015."

Correct the title.

Representative Orcutt moved the adoption of amendment (749) to amendment (748):

On page 4, line 20 of the amendment, after "(ii)" strike "The" and insert "If approved by at least sixty percent of the voters voting on a proposition, the"

On page 4, line 25 of the amendment, after "(iii)" strike "The" and insert "If approved by at least sixty percent of the voters voting on a proposition, the"

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (749) to amendment (748) to Substitute Senate Bill No. 5433.

MOTION

On motion of Representative Santos, Representative Liias was excused. Representatives Campbell and Herrera were excused from the bar.

ROLL CALL

The Clerk called the roll on the adoption of amendment (749) to amendment (748) Substitute Senate Bill No. 5433 and amendment was not adopted by the following vote: Yeas, 42; Nays, 53; Absent, 0; Excused, 3.

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

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

Excused: Representatives Campbell, Herrera and Liias.

Amendment (749) to amendment (748) was not adopted.

Representative Orcutt moved the adoption of amendment (750) to amendment (748):

Beginning on page 6, line 4 of the amendment, strike all of sections 5, 6, and 7

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

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (750) to amendment (748) to Substitute Senate Bill No. 5433.

ROLL CALL

The Clerk called the roll on the adoption of amendment (750) to amendment (748) to Substitute Senate Bill No. 5433 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins,

Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Campbell and Liias.

Amendment (750) to amendment (748) was not adopted.

Representative Orcutt moved the adoption of amendment (751) to amendment (748):

On page 6, line 10 of the amendment, after "section." insert "A levy under this section must be specifically authorized by at least a sixty percent majority of the registered voters of the county voting on a proposition submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election."

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (751) to amendment (748) to Substitute Senate Bill No. 5433.

ROLL CALL

The Clerk called the roll on the adoption of amendment (751) to amendment (748) to Substitute Senate Bill No. 5433 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2.

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

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

Excused: Representatives Campbell and Liias.

Amendment (751) to amendment (748) was not adopted.

Representative Simpson moved the adoption of amendment (755) to amendment (748):

On page 10, after line 23 of the amendment, insert the following:

"**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, unincorporated transportation benefit areas under chapter 36.57 RCW, and regional transit authorities under chapter 81.112 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.

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. A new section is added to chapter 81.104 RCW to read as follows:

In addition to other general and specific powers granted to regional transit authorities under this chapter and chapter 81.112 RCW, regional transit authorities 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."

Renumber the remaining section consecutively.

Representatives Simpson, Upthegrove and Roberts spoke in favor of the adoption of the amendment.

Representatives Roach and Orcutt 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 49 – YEAS; 47 – NAYS.

Amendment (755) to amendment (748) was adopted.

Amendment (748) as amended was adopted.

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

Representatives Hunter, Nelson, Dickerson, Simpson, Conway, Simpson (again) and Hunt spoke in favor of the passage of the bill.

Representatives Orcutt, Angel, Shea, Hinkle, Alexander, Ericksen, Anderson, McCune, Angel (again), Walsh, Parker, Johnson and Ross spoke against the passage of the bill.

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5433, as amended by the House, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, 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, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

SECOND SUBSTITUTE SENATE BILL NO. 5433, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin)

Protecting workers from human trafficking violations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was before the body for the purpose of amendment. (See Journal, Day 65, April 6, 2009.)

Representative Chandler moved the adoption of amendment (591) to the committee amendment:

On page 1, line 11 of the striking amendment, after "H-1B" insert ", H-2A, or H-2B"

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (591) to the committee amendment to Engrossed Second Substitute Senate Bill No. 5850.

ROLL CALL

The Clerk called the roll on the adoption of amendment (591) to the committee amendment to Engrossed Second Substitute Senate

Bill No. 5850 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 53; Absent, 0; Excused, 0.

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

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

Amendment (591) to the committee amendment was not adopted.

Representative Santos moved the adoption of amendment (767) to the committee amendment:

On page 1, beginning on line 10 of the striking amendment, after "employment." strike all material through "state." on line 11

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

Representatives Chandler and Appleton spoke against the adoption of the amendment to the committee amendment.

Amendment (767) to the committee amendment was not adopted.

Representative Chandler moved the adoption of amendment (685) to the committee amendment:

On page 2, beginning on line 33 of the striking amendment, strike all of section 4 and insert the following:

"**NEW SECTION. Sec. 4.** If the department of labor and industries determines that a domestic employer of foreign workers or an international labor recruitment agency has violated this chapter, the department may order the employer or the agency to pay the department a civil penalty of two hundred fifty dollars for the first violation and up to one thousand dollars for each subsequent violation. The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033."

On page 5, line 25, after "Title" strike "19" and insert "49"

Correct the title.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the amendment to the committee amendment to Engrossed Second Substitute Senate Bill No. 5850.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment to Engrossed Second Substitute Senate Bill No. 5850 and the motion was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericks, Ericksen, Finn, Goodman, Grant, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

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

Amendment (685) to the committee amendment was not adopted.

The committee amendment was adopted.

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

Representatives Conway, Kessler, Santos, Darneille and Kenny spoke in favor of the passage of the bill.

Representatives Chandler, Springer, Condotta, Ross, Cox, Ericksen, Armstrong, O'Brien and Johnson 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 Second Substitute Senate Bill No. 5850, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5850, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Finn, Grant-Herriot,

Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Klippert, Kretz, Kristiansen, Linville, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5568, by Senators Tom, Rockefeller and Shin

Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency.

The bill was read the second time.

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

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

Representative 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. 5568.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5568 and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5568, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2211, by Representatives Clibborn, Eddy, Maxwell and Liias

Addressing the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2211 was substituted for House Bill No. 2211 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2211 was read the second time.

With the consent of the House, amendments (661), (720), (721), (722), (723) and (724) were withdrawn.

Representative Springer moved the adoption of amendment (727):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of the legislature to impose tolls on the state route number 520 floating bridge subject to section 2 of this act, to help finance construction of the replacement state route number 520 floating bridge.

It is further the intent of the legislature to expedite the replacement of the floating bridge in a manner that does not preclude local design options on either side of the state route number 520 corridor. For all projects in the state route number 520 corridor program, the legislature intends that the total cost will be no more than four billion six hundred fifty million dollars.

It is further the intent of the legislature that if the tolls on the state route number 520 corridor significantly alter the performance of nearby facilities, the legislature will reconsider the tolling policy for the corridor.

It is further the intent of the legislature that the department of transportation applies for federal stimulus funds for projects in the corridor.

NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds first payable from toll revenue and excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund only the replacement of the floating bridge segment of state route number 520; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) The proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment of state route number 520, must be used only to fund the construction of the replacement state route number 520 floating bridge.

(5) The state toll agency may carry out the construction and improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1) The state route number 520 work group is created. The work group shall consist of the following members:

(a) The governor;

(b) The legislators from the forty-third legislative district; and

(c) The legislators from the forty-eighth legislative district.

(2) The state route number 520 work group must:

(a) Develop and recommend a financing strategy to fund the projects in the state route number 520 corridor. The work group must consult with the chairs and members of the house of representatives and senate transportation committees and others identified by the work group in developing a financing strategy. The financing strategy must be based on a total cost of all the intended projects in the state route number 520 corridor that does not exceed four billion six hundred fifty million dollars; and

(b) Create an eastside subgroup, consisting of the legislators from the forty-eighth legislative district, to consider design options on the east side of the corridor, which extends from the east end of the floating bridge to state route number 202, and a westside subgroup, consisting of the legislators from the forty-third legislative district, to consider design options on the west side of the corridor, which extends from the west end of the floating bridge to Interstate 5. Each subgroup must work with the department to review and evaluate the design options in its respective portion of the corridor. Each subgroup must also solicit input on design issues from a variety of neighborhood and community groups in the area impacted by the projects that the subgroup is reviewing and evaluating.

(3) All design options considered or recommended by either subgroup or the state route number 520 work group must adhere to RCW 47.01.408.

(4) Each subgroup must recommend design options to the state route number 520 work group that meet the region's transit and transportation needs, and reflect the desires and concerns of neighborhood and community groups in the area directly impacted by the projects.

(5) The state route number 520 work group must present a final report with recommendations on financing and design options to the legislature by January 1, 2010.

(6) The department shall provide staff support to the state route number 520 work group.

NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

Unless otherwise delegated, the department is the state toll agency with the authority to administer tolling programs on eligible toll facilities, including the state route number 520 corridor. The state toll agency may adopt and amend rules to govern operations, collections, and enforcement on each eligible toll facility. In implementing tolling programs, the state toll agency may (1) collect and retain any toll charges and penalties imposed, (2) issue toll bills and notices of infraction, (3) use available resources to collect unpaid toll charges, including forwarding unpaid infractions to the department of licensing pursuant to RCW 46.20.270(3) and assigning the unpaid infractions to collection agencies under RCW 19.16.500, (4) allocate administrative fees and infraction charges to the toll facilities on which the fees and charges were incurred, (5) resolve disputes involving toll charges, and (6) procure and sell transponders or enter into contracts and license agreements to procure and sell transponders as necessary for the operation of electronic toll collection systems on eligible toll facilities.

NEW SECTION. Sec. 5. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the replacement state route number 520 floating bridge, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the replacement state route number 520 floating bridge; and

(e) All damages, liquidated or otherwise, collected under any contract involving the construction of the replacement state route number 520 floating bridge.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the replacement state route number 520 floating bridge, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the replacement state route number 520 floating bridge project in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 6. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of

financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury 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) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(((~~(a)~~))) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

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

NEW SECTION. Sec. 7. This act takes effect August 1, 2009."

Correct the title.

Representative Anderson moved the adoption of amendment (743) to amendment (727):

On page 1, line 24 of the striking amendment, after "authorized" insert "after the completion of the replacement state route number 520 floating bridge"

Representatives Anderson, Roach and Priest spoke in favor of the adoption of the amendment to amendment (727).

Representatives Clibborn and Liias spoke against the adoption of amendment to amendment (727).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (743) to amendment (727) to Substitute House Bill No. 2211.

ROLL CALL

The Clerk called the roll on the adoption of amendment (743) to amendment (727) to Substitute House Bill No. 2211 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0.

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

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

Amendment (743) to amendment (727) was not adopted.

Representative White moved the adoption of amendment (768) to amendment (727):

On page 2, line 35, after "(b)" insert "Two legislators from each of the forty-sixth and forty-fifth legislative districts as jointly determined by the speaker of the house and the president of the senate;

(c)"

Correct any internal references accordingly.

On page 3, line 10, after "district" insert "and the forty-fifth legislative district"

On page 3, line 14, after "district" insert "and the forty-sixth legislative district"

Representatives White, Roach and Anderson spoke in favor of the adoption of the amendment to amendment (727).

Amendment (768) to amendment (727) was adopted.

Representative Chase moved the adoption of amendment (769) to amendment (727):

On page 2, line 35, after "(b)" insert "One legislator from the thirty-second legislative district as jointly determined by the speaker of the house and the president of the senate;

(c)"

Correct any internal references accordingly.

On page 3, line 10, after "district" insert "and the thirty-second legislative district"

On page 3, line 14, after "district" insert "and the thirty-second legislative district"

Representatives Chase, Anderson and Clibborn spoke in favor of the adoption of the amendment to the amendment.

Amendment (769) to amendment (727) was adopted.

Representative Anderson moved the adoption of amendment (742) to amendment (727):

On page 5, line 4 of the striking amendment, after "47.56.820" insert "and subsection (3) of this section"

On page 5, line 6 of the striking amendment, after "(3)" insert the following:

"Toll charges, other revenues, and interest may not be used to pay for costs that do not contribute directly to the financing, operation, maintenance, management, and necessary repairs of the tolled facility, as determined by rule by the transportation commission.

(4) The department shall make detailed quarterly expenditure reports regarding expenditures from the state route number 520 corridor account available to the transportation commission and to the public on the department's web site using current department resources.

(5)"

Representative Anderson spoke in favor of the adoption of the amendment to amendment (727).

Representative Liias spoke against the adoption of the amendment to amendment (727).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (742) to amendment (727) to Substitute House Bill No. 2211.

ROLL CALL

The Clerk called the roll on the adoption of amendment (742) to amendment (727) to Substitute House Bill No. 2211 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0.

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

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

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

Amendment (742) to amendment (727) was not adopted.

Representative Armstrong moved the adoption of amendment (741) to amendment (727):

On page 8, after line 26 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 7.** A new section is added to chapter 47.56 RCW to read as follows:

Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislatures with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this section, along with a detailed justification for each such increase or decrease."

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

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

Amendment (741) to amendment (727) was adopted.

Representative Rodne moved the adoption of amendment (765) to amendment (727):

On page 8, after line 26 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 7.** A new section is added to chapter 47.56 RCW to read as follows:

All revenue from tolling the replacement state route number 520 floating bridge must be used only on state route number 520 between state route 5 and state route 202 for highway purposes consistent with Article II, section 40 of the state Constitution."

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

Representatives Rodne and Roach spoke in favor of the adoption of the amendment to the amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (765) to amendment (727) to Substitute House Bill No. 2211.

ROLL CALL

The Clerk called the roll on the adoption of amendment (765) to amendment (727) to Substitute House Bill No. 2211 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

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

Amendment (765) to amendment (727) was not adopted.

Amendment (727) as amended 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 Clibborn, Springer, Pedersen, Campbell and Rolfes spoke in favor of the passage of the bill.

Representatives Roach, Rodne, Ericksen and Anderson spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2211 and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, 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, Armstrong, Bailey, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Grant-Herriot, Green, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Ormsby, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Marr, Honeyford, Rockefeller, Holmquist, Hatfield, Parlette, Ranker, Morton, Sheldon, Jarrett, Delvin and Hewitt)

Modifying the energy independence act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was not adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Dunshee moved the adoption of amendment (575):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

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

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Biomass energy" includes: (a) Byproducts of pulping and wood manufacturing process; (b) animal waste; (c) solid organic fuels from wood; (d) forest or field residues; (e) wooden demolition or construction debris; (f) food waste; (g) liquors derived from algae and other sources; (h) dedicated energy crops; (i) biosolids; and (j) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(4) "Commission" means the Washington state utilities and transportation commission.

(((~~(4)~~))) (5) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(((~~(5)~~))) (6) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(((~~(6)~~))) (7) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(((~~(7)~~))) (8) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(((~~(8)~~))) (9) "Department" means the department of community, trade, and economic development or its successor.

(((~~(9)~~))) (10) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(((~~(10)~~))) (11) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; or

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments.

(((~~(11)~~))) (12) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(((~~(12)~~))) (13) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(((~~(13)~~))) (14) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(((~~(14)~~))) (15) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(((~~(15)~~))) (16) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(((~~(16)~~))) (17) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(((~~(17)~~))) (18) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(((~~(18)~~))) (19) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and (i) biomass energy ((~~based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste~~)).

(((~~(19)~~))) (20) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(((~~(20)~~))) (21) "Year" means the twelve-month period commencing January 1st and ending December 31st."

Correct the title.

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

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

An electronic roll call was requested.

The Speaker stated the question before the House to be the adoption of amendment (575) to Engrossed Substitute Senate Bill No. 5840.

ROLL CALL

The Clerk called the roll on the adoption of amendment (575) to Engrossed Substitute Senate Bill No. 5840 and the amendment was not adopted by the following vote: Yeas, 35; Nays, 63; Absent, 0; Excused, 0.

Voting yea: Representatives Campbell, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Liias, Morrell, Ormsby, Orwall, Pedersen, Pettigrew, Rolfes, Simpson, Springer, Sullivan, Upthegrove, Van De Wege, White and Williams.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Finn, Grant, Haigh, Haler, Herrera, Hinkle, Hope, Johnson, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Takko, Taylor, Wallace, Walsh, Warnick, Wood and Mr. Speaker.

Amendment (575) was not adopted.

Representative McCoy moved the adoption of amendment (747):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

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

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Biomass energy" includes: (a) Byproducts of pulping and wood manufacturing process; (b) animal waste; (c) solid organic fuels from wood; (d) forest or field residues; (e) wooden demolition or construction debris; (f) food waste; (g) liquors derived from algae and other sources; (h) dedicated energy crops; (i) biosolids; and (j) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(4) "Commission" means the Washington state utilities and transportation commission.

(((~~(4)~~))) (5) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(((~~(5)~~))) (6) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(((~~(6)~~))) (7) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(((~~(7)~~))) (8) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(((~~(8)~~))) (9) "Department" means the department of community, trade, and economic development or its successor.

(((~~(9)~~))) (10) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than ((~~five~~)) seven megawatts.

(((~~(10)~~))) (11) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where((~~: (i)~~)) the facility is located ((~~in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services~~)) within the geographic boundary of the western electricity coordinating council or its successor entity; ((~~or~~))

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in water supply pipes, irrigation pipes ((~~and~~)), or canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or ((~~impoundments~~)) an increase in the amount of water storage;

(c) That portion of incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, attributable to a qualifying utility's share of the electricity output to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration where the additional generation does not result in new water diversions or an increase in the amount of water storage; or

(d) Electricity from a biomass energy powered generation facility located in Washington that commenced operation before March 31, 1999, that is: (i) Owned by a qualifying utility as of the effective date of this section; or (ii) subject to a maximum of twenty-five percent of the electrical output delivered to a qualifying utility, owned by an entity other than a qualifying utility as of the effective date of this section.

(((~~(11)~~))) (12) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(((~~(12)~~))) (13) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(((~~(13)~~))) (14) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

(((~~(14)~~))) (15) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(((~~(15)~~))) (16) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(((~~(16)~~))) (17) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves

more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(((~~(17)~~))) (18) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(((~~(18)~~))) (19) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth ((~~or first-growth~~)) forests where the clearing occurred after December 7, 2006; ((~~and~~)) or (i) biomass energy ((~~based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste~~)).

(((~~(19)~~))) (20) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(((~~(20)~~))) (21) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 2. RCW 19.285.040 and 2007 c 1 s 4 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) ((~~Beginning~~)) By January 1, 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period. A qualifying utility may not use incremental electricity produced as a result of efficiency improvements to hydroelectric generation facilities to meet its biennial conservation acquisition target if the improvements were used to meet its targets under subsection (2)(a) of this section.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility ((~~has a useful thermal energy output of no less than thirty- three percent of the total energy output~~)) is designed to have a projected overall thermal conversion efficiency of at least seventy percent. For the purposes of this section, "overall thermal conversion efficiency" means the output of electricity plus usable heat divided by fuel input. The reduction in load due to high-efficiency cogeneration shall be((~~: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii)~~)) counted towards meeting the biennial conservation target in the same manner as other production conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or a combination of both, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least ((~~nine~~)) ten and twenty-five one-hundredths of one percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least ((~~fifteen~~)) sixteen and twenty-five one-hundredths of one percent of its load by January 1, 2020, and each year thereafter.

(b) It must be the goal of the state for each qualifying utility to use eligible renewable resources or acquire equivalent renewable energy credits or a combination of both to meet an annual renewable resource goal of at least twenty percent of its load by January 1, 2025, and each year thereafter.

(c) Except as provided in (k) of this subsection, a qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(((~~(c)~~))) (d) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(((~~(d)~~))) (e) A qualifying utility with annual sales of less than two million megawatt hours is considered in compliance with an annual target in (a) of this subsection if: (i) In any given target year its load growth, measured as load served in the target year compared to the utility's annual average load served in 2010 and 2011, is less than the target in (a) of this subsection for that year; and (ii) the utility meets one hundred percent of any increase in load for that target year with eligible renewable resources or renewable energy credits.

(f) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(((~~(e)~~))) (g) The requirements of this section may be met for any given target year with renewable energy credits produced during that year, the preceding two years, or the subsequent year. Each

renewable energy credit may be used only once to meet the requirements of this section.

((~~(f)~~)) (h) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; ((~~or~~))

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090; or

(iii) Efficiency improvements to hydroelectric generation facilities whose energy output is marketed by the Bonneville power administration that is attributable to any other utility other than the qualifying utility.

((~~(g)~~)) (i) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

((~~(h)~~)) (j)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

((~~(i)~~)) (k) A qualifying utility that acquires solar energy located in Washington or meeting the definition of distributed generation may count that acquisition at four times its base value, or six times its base value where the energy is produced using solar inverters and modules manufactured in Washington state, provided the qualifying utility: (i) Owns or has contracted for the solar energy generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(l) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

Sec. 3. RCW 19.285.070 and 2007 c 1 s 7 are each amended to read as follows:

(1) On or before June 1, 2012, and annually thereafter, each qualifying utility shall report to the department on its progress in the preceding year in meeting the targets established in RCW 19.285.040, including expected electricity savings from the biennial conservation target, expenditures on conservation, actual electricity savings results, the utility's annual load for the prior two years, the amount of megawatt-hours needed to meet the annual renewable energy target, the amount of megawatt-hours of each type of eligible renewable resource acquired, the type and amount of renewable energy credits acquired, and the percent of its total annual retail revenue requirement invested in the incremental cost of eligible renewable resources and the cost of renewable energy credits. ((~~For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) (d) or (i) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.~~)) A qualifying utility may submit its report to the department in conjunction with its annual obligations in chapter 19.29A RCW.

(2) A qualifying utility that is an investor-owned utility shall also report all information required in subsection (1) of this section to the commission, and on or before June 1, 2014, and annually thereafter, report to the commission its compliance in meeting the targets established in RCW 19.285.040. All other qualifying utilities shall also make all information required in subsection (1) of this section available to the auditor, and on or before June 1, 2014, and annually thereafter, make available to the auditor its determination of compliance in meeting the targets established in RCW 19.285.040. For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.

(3) A qualifying utility shall also make reports required in this section available to its customers.

Sec. 4. RCW 19.285.080 and 2007 c 1 s 8 are each amended to read as follows:

(1) The commission may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities.

(2) The department shall adopt rules concerning only process, timelines, and documentation to ensure the proper implementation of this chapter as it applies to qualifying utilities that are not investor-owned utilities. Those rules include, but are not limited to, rules associated with a qualifying utility's development of conservation targets under RCW 19.285.040(1); a qualifying utility's decision to pursue alternative compliance in RCW 19.285.040(2) ((~~(d)~~)) (f) or ((~~(i)~~)) (l) or 19.285.050(1); and the format and content of reports required in RCW 19.285.070. Nothing in this subsection may be construed to restrict the rate-making authority of the commission or a qualifying utility as otherwise provided by law.

(3) The commission and department may coordinate in developing rules related to process, timelines, and documentation that are necessary for implementation of this chapter.

(4)(a) Pursuant to the administrative procedure act, chapter 34.05 RCW, rules needed for the implementation of this chapter must be adopted by ((~~December 31, 2007~~)) June 30, 2010. These rules may be revised as needed to carry out the intent and purposes of this chapter.

(b) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the department shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(c) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the commission shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(d) Rules adopted under (b) and (c) of this subsection must be applied to the next biennial target that begins at least six months after the adoption date of the rules.

NEW SECTION. Sec. 5. (1) Within existing resources, the department of community, trade, and economic development shall report to the legislature by December 1, 2009, its recommendations on how low- cost hydroelectric generation may be used to firm, shape, and integrate renewable energy resources into the northwestern electric grid for delivery to Washington residents. The report must make recommendations on the economic and environmental benefits of using hydroelectric generation in place of fossil fuel-fired generation for integration services. The report must include results from existing studies and analyses from the Pacific Northwest electric power and conservation planning council, the Bonneville power administration, and other relevant organizations. The department of community, trade, and economic development shall also consider information and recommendations from integration service providers and users.

(2) The department of community, trade, and economic development shall conduct a study of the impacts of electricity costs on low-income families. The department shall select two cities, one east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains, and through analysis and case studies determine the impacts of electricity costs on low-income families. The department shall also review the extent to which government energy programs help mitigate electricity costs for low-income families. By December 10, 2009, the department shall provide recommendations to the governor and the appropriate committees of the legislature on how the impacts of electricity costs on low-income families might be further mitigated."

Correct the title.

Representative Haler moved the adoption of amendment (756) to amendment (747):

On page 2, line 13 of the amendment, after "resource" strike "other than fresh water" and insert "((~~other than fresh water~~))"

On page 2, beginning on line 19 of the amendment, after "(b)" strike all material through "(d)" on line 33 and insert "((~~Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments~~))"

On page 3, line 2 of the amendment, after "section" insert "; or

(c) Electricity from an existing generation facility powered by a fresh water renewable resource that commenced operation before March 31, 1999"

On page 3, beginning on line 33 of the amendment, after "resource" strike all material through "water" on line 34 and insert "((~~where the generation facility is not powered by fresh water~~))"

Representatives Haler, Armstrong and Anderson spoke in favor of the adoption of the amendment to the amendment.

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

An electronic roll call was requested.

The Speaker presiding) stated the question before the House to be the adoption of amendment (756) to amendment (747) to Engrossed Substitute Senate Bill No. 5840.

ROLL CALL

The Clerk called the roll on the adoption of amendment (756) to amendment (747) to Engrossed Substitute Senate Bill No. 5840 and the amendment was adopted by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Dunshee, Ericksen, Grant, Green, Haigh, Haler, Herrera, Hope, Hudgins, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Pedersen, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick and Williams.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Hasegawa, Hinkle, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, White, Wood and Mr. Speaker.

Amendment (756) to amendment (747) was adopted.

Representative Morris moved the adoption of amendment (753) to amendment (747):

On page 2, line 33 of the amendment, after "(d)" insert "(i) Electricity from a hydroelectric generating facility with an installed generating capacity of five megawatts or less that discharges the water it uses for power generation into either:

(A) A conduit, with the water flowing directly to a point of agricultural, municipal, or industrial consumption; or

(B) A natural water body if a quantity of water equal to or greater than the quantity discharged from the hydroelectric facility is withdrawn from the natural water body on which the hydroelectric generating facility is located, unless that consumption would occur for agricultural, municipal, or industrial consumption purposes even if hydroelectric generating facilities were not installed;

(ii) Electricity from a hydroelectric generating facility must not come from a dam or weir that creates more than intraday storage of water;

(iii) Electricity from a hydroelectric generating facility must be certified by a nationally recognized organization that certifies hydroelectric facilities as low-impact hydroelectric;

(e)"

Correct any internal references accordingly.

On page 3, line 3 of the amendment, after "(12)" insert ""Intraday storage of water" means the amount of water that is retained by a dam or weir over a twenty-four hour period that is in excess of normal stream flow.

(13)"

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

Representatives Morris, Hudgins and Crouse spoke in favor of the adoption of the amendment to the amendment.

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

Division was demanded and the demand was sustained.

The Speaker divided the House. The result was 65 – YEAS; 33 – NAYS.

Amendment (753) to amendment (747) was adopted.

With the consent of the House, amendments (766), (754), (762) and (764) were withdrawn.

Representative Hudgins moved the adoption of amendment (761) to amendment (747):

On page 10, after line 37 of the amendment, insert the following:

"**NEW SECTION. Sec. 6.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

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

Representatives McCoy and Hunter spoke against the adoption of the amendment to the amendment.

MOTION

On motion of Representative Hinkle, Representative Condotta was excused.

Amendment (761) to amendment (747) was adopted.

Amendment (747) as amended was adopted.

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

Representatives Crouse, Morris and Kessler spoke in favor of the passage of the bill.

Representatives McCoy, Hudgins, Dunshee and Rolfes spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5840, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5840, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Clibborn, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Jacks, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, McCune, Morris, O'Brien, Orcutt, Ormsby, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Van De Wege, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Campbell, Carlyle, Chase, Cody, Darneille, Dickerson, Dunshee, Finn, Flannigan, Goodman, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Upthegrove, Wallace, White, Williams and Mr. Speaker.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the following bills on the second reading calendar were returned to the Committee on Rules:

HOUSE BILL NO. 2315
SUBSTITUTE SENATE BILL NO. 5638

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

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

HOUSE BILL NO. 2068
HOUSE BILL NO. 2250
HOUSE BILL NO. 2351
HOUSE BILL NO. 2359
HOUSE BILL NO. 2360
SENATE BILL NO. 5525

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

There being no objection, the House adjourned until 9:00 a.m., April 18, 2009, the 97th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk