

## FIFTY NINTH LEGISLATURE - REGULAR SESSION

## SIXTY FIFTH DAY

House Chamber, Olympia, Tuesday, March 15, 2005

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Fleming and Logan Gowdey. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anne Hayes, Sumner United Methodist Church.

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

**SPEAKER'S PRIVILEGE****MESSAGES FROM THE SENATE**

March 14, 2005

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5157,  
SENATE BILL NO. 5311,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5454,

ENGROSSED SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5584,  
ENGROSSED SENATE BILL NO. 5606,  
SUBSTITUTE SENATE BILL NO. 5702,  
SUBSTITUTE SENATE BILL NO. 5717,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5922,  
SENATE BILL NO. 5979,  
SUBSTITUTE SENATE BILL NO. 6014,  
SENATE JOINT MEMORIAL NO. 8014,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 15, 2005

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5154,  
SECOND SUBSTITUTE SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5479,  
SUBSTITUTE SENATE BILL NO. 5611,  
SENATE BILL NO. 5705,  
ENGROSSED SENATE BILL NO. 5710,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5736,  
SENATE BILL NO. 5831,  
SUBSTITUTE SENATE BILL NO. 5895,  
SUBSTITUTE SENATE BILL NO. 5899,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

**INTRODUCTION & FIRST READING**

SSB 5052 by Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline and Rockefeller)

AN ACT Relating to uniform estate tax apportionment; amending RCW 83.100.020; adding a new chapter to Title 83 RCW; creating a new section; repealing RCW 83.110.010, 83.110.020, 83.110.030, 83.110.040, 83.110.050, 83.110.060, 83.110.070, 83.110.080, 83.110.090, 83.110.900, 83.110.901, 83.110.902, 83.110.903, and 83.110.904; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

ESSB 5060 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Jacobsen)

AN ACT Relating to regulating the use of automated traffic safety cameras; amending RCW 46.63.030 and 46.63.075; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Transportation.

SSB 5064 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles, Weinstein and Keiser)

AN ACT Relating to electronic medical records and health information technologies; creating new sections; and providing an expiration date.

Referred to Committee on Technology, Energy &amp; Communications.

ESB 5089 by Senators Sheldon, Fraser and Kline

AN ACT Relating to reducing nuisance noise from off-road vehicles; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 5092 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Jacobsen)

AN ACT Relating to the beginning farmers loan program; adding a new section to chapter 43.180 RCW; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

ESSB 5098 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Morton, Franklin, Kline and Kohl-Welles; by request of Governor Locke)

AN ACT Relating to energy efficiency; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

SSB 5101 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Morton, Fraser, Rockefeller, Pridemore, Regala, Hewitt, Kline, Kohl-Welles, Brown and Oke)

AN ACT Relating to providing incentives to support renewable energy; adding new sections to chapter 82.16 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

SSB 5104 by Senate Committee on Transportation (originally sponsored by Senators Regala, Brandland, Hargrove, Weinstein, Esser, Kohl-Welles and Oke; by request of Washington Council for Prevention of Child Abuse and Neglect)

AN ACT Relating to the "Keep Kids Safe" license plate series; amending RCW 43.121.100; reenacting and amending RCW 46.16.313; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSB 5105 by Senate Committee on Transportation (originally sponsored by Senators Swecker, Jacobsen, Kastama and Oke; by request of Utilities & Transportation Commission)

AN ACT Relating to certification of entities regulated by the utilities and transportation commission under Title 81 RCW; amending RCW 81.66.060, 81.68.030, 81.68.040, 81.77.030, 81.77.040, and 81.84.020; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.68 RCW; and recodifying RCW 81.68.045.

Referred to Committee on Transportation.

ESB 5110 by Senators Rockefeller and Oke

AN ACT Relating to adding an additional port district member to the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

E2SSB 5111 by Senate Committee on Ways & Means (originally sponsored by Senators Morton, Poulsen, Parlette, Roach, Schmidt, Oke, Hewitt, Zarelli, Finkbeiner, Stevens, Swecker, Deccio, Honeyford, Mulliken, Kline and Sheldon)

AN ACT Relating to providing incentives to support the renewable energy industry in Washington state; reenacting and amending RCW 82.04.440; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

ESSB 5121 by Senate Committee on Transportation (originally sponsored by Senators Keiser, Swecker, Poulsen, Schmidt and Haugen)

AN ACT Relating to determining long-term air transportation needs; adding new sections to chapter 47.68 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SSB 5132 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Carrell, Schmidt, Benson, Swecker, Honeyford, Delvin, Schoesler, Roach, Mulliken and Benton)

AN ACT Relating to the release of personal information; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government Operations & Accountability.

ESSB 5158 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Brandland, Kastama, Parlette and Benson)

AN ACT Relating to making certain provisions in the uniform health care information act consistent with the health insurance portability and accountability act privacy regulation, by addressing the period of validity of an authorization, accounting for disclosures, reporting of criminal activities, sharing quality improvement information, and modifying provisions on payment for health care, health care operations, and related definitions; and amending RCW 70.02.010, 70.02.020, 70.02.030, and 70.02.050.

Referred to Committee on Health Care.

ESSB 5164 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Oke, Jacobsen, Swecker, Poulsen, Spanel and Shin)

AN ACT Relating to mitigation or mitigation fees imposed by the department of transportation; amending RCW 82.02.100; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.21C RCW; and adding new sections to chapter 47.04 RCW.

Referred to Committee on Transportation.

SSB 5169 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Shin)

AN ACT Relating to the carry over of funds for biotoxin testing and monitoring; amending RCW 77.32.555; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5178 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Keiser, Benson and Brandland)

AN ACT Relating to licensing specialty hospitals; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

ESSB 5186 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Kohl-Welles, Keiser, Rockefeller, Doumit, Kline, Regala, McAuliffe, Poulsen, Fraser and Jacobsen)

AN ACT Relating to increasing the physical activity of Washington citizens; amending RCW 70.38.015, 36.70A.070, 36.81.121, 28A.300.040, and 28A.320.015; reenacting and amending RCW 35.77.010 and 79A.05.030; and creating new sections.

Referred to Committee on Health Care.

SSB 5207 by Senate Committee on Transportation (originally sponsored by Senators Doumit, Hargrove and Sheldon)

AN ACT Relating to liability limitations for providing pilotage services; and amending RCW 88.16.115 and 88.16.118.

Referred to Committee on Transportation.

E2SSB 5213 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Hargrove, Esser, Regala, McAuliffe, Thibaudeau, Stevens, Kohl-Welles and Shin)

AN ACT Relating to supporting the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs; amending RCW 74.08.025; creating a new section; and providing an effective date.

Referred to Committee on Children & Family Services.

SSB 5229 by Senate Committee on Transportation (originally sponsored by Senators Swecker, Jacobsen, Doumit, Fraser, Kohl-Welles and Rasmussen)

AN ACT Relating to endangered wildlife license plates; amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SSB 5230 by Senate Committee on Transportation (originally sponsored by Senators Swecker, Jacobsen, Oke, Doumit, Fraser, Rockefeller, Kohl-Welles and Rasmussen)

AN ACT Relating to Washington's Wildlife license plate collection; amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SSB 5237 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles, Parlette, Honeyford, Prentice and Shin; by request of Department of Labor & Industries)

AN ACT Relating to mandatory electronic data reporting under Title 51 RCW for workers' compensation self-insurers; amending RCW 51.14.110, 51.14.110, and 51.14.030; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SSB 5262 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker; by request of Department of Licensing)

AN ACT Relating to withholding of the driving privilege; amending RCW 46.20.265, 46.20.270, 46.20.285, 46.20.289, 46.20.324, 46.20.334, and 46.63.110; adding a new section to chapter 46.20 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5270 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Swecker, Kastama, Oke, Spanel, Esser, Jacobsen and Shin)

AN ACT Relating to vessel registration enforcement; adding a new section to chapter 82.49 RCW; adding a new section to chapter 88.02 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5279 by Senator Jacobsen

AN ACT Relating to the liability of owners of recreational land; and reenacting and amending RCW 4.24.210.

Referred to Committee on Judiciary.

SSB 5282 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kline, Hargrove, Mulliken, Fairley and Thibaudeau)

AN ACT Relating to a clarification of the earned release time provisions for offenders held in city or county jails; amending RCW 9.92.151 and 70.48.210; adding a new section to chapter 9.92 RCW; adding a new section to chapter 70.48 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 5316 by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Swecker, Haugen, Parlette, Kohl-Welles and Oke; by request of Parks and Recreation Commission)

AN ACT Relating to Washington state parks and recreation commission special license plates; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Transportation.

SB 5325 by Senators Zarelli, Brown, Doumit, Kline, Shin, Sheldon, Pflug, Mulliken, Kohl-Welles, Rasmussen and Pridemore

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 5326 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Pridemore, Esser, Kline, Weinstein, Poulsen, Finkbeiner, McAuliffe, Keiser and Spanel)

AN ACT Relating to providing home rule charter cities the ability to choose their election system; and amending RCW 29A.52.210.

Referred to Committee on Local Government.

SB 5330 by Senators Shin, Rasmussen, Berkey, McAuliffe and Kohl-Welles

AN ACT Relating to economic development grants; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

SB 5340 by Senators Rasmussen, Roach, Shin, Jacobsen, Delvin, Carrell, Rockefeller, Fraser, Franklin, Kastama, Regala and Pridemore; by request of Military Department

AN ACT Relating to military department accounts; amending RCW 38.20.010; and adding new sections to chapter 38.40 RCW.

Referred to Committee on Capital Budget.

ESSB 5349 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Kastama, McAuliffe, Weinstein, Haugen, Berkey, Rasmussen, Hargrove, Kohl-Welles, Franklin, Regala, Shin, Fraser, Jacobsen and Kline)

AN ACT Relating to reading instruction; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Education.

ESB 5381 by Senators Kohl-Welles, Parlette, McAuliffe, Pridemore, Rockefeller, Brown, Rasmussen, Schoesler, Shin, Haugen, Schmidt, Keiser and Kline; by request of Governor Gregoire

AN ACT Relating to the Washington academy of sciences; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Higher Education.

SSB 5414 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

AN ACT Relating to aviation fees and taxes; amending RCW 47.68.230, 82.42.020, and 82.42.030; reenacting and amending RCW 47.68.240; repealing RCW 47.68.233, 47.68.234, and 47.68.236; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

ESB 5423 by Senators Haugen and Swecker

AN ACT Relating to special license plates; amending RCW 46.16.385, 46.16.570, 46.16.600, 46.16.690, 46.16.725, and 46.16.745; reenacting and amending RCW 46.16.316; adding a new section to chapter 46.16 RCW; adding a new section to chapter 47.30 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5424 by Senators Haugen, Swecker, Jacobsen, Hargrove and Doumit

AN ACT Relating to the "Washington Lighthouses" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSB 5449 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Swecker, Pridemore, Kline, Fraser and Rockefeller)

AN ACT Relating to providing the department of ecology with lien authority to facilitate the recovery of remedial action costs; amending RCW 70.105D.050 and 70.105D.060; and adding a new section to chapter 70.105D RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

ESSB 5499 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Berkey, Fairley, Pridemore, Franklin, Haugen, Shin, Kohl-Welles, Doumit, Rasmussen and Keiser)

AN ACT Relating to election reform; amending RCW 29A.04.008, 29A.04.530, 29A.04.570, 29A.04.611, 29A.08.125, 29A.08.125, 29A.08.605, 29A.08.605, 29A.08.651, 29A.24.050, 29A.40.091, 29A.40.110, 29A.60.021, 29A.60.050, 29A.60.070, 29A.60.180, 29A.60.190, 29A.60.210, 29A.60.250, 29A.64.021, 29A.64.030, 29A.64.061, 29A.68.011, 29A.84.650, and 46.20.155; adding a new section to chapter 29A.36 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

ESSB 5509 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Esser, Fraser, Schmidt, Pridemore, Fairley, Berkey, Kohl-Welles, Kline, Regala, Rockefeller, Weinstein, Brown, Keiser and McAuliffe)

AN ACT Relating to high-performance green buildings; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Capital Budget.

SB 5518 by Senators Eide, Swecker, Spanel, Stevens, Mulliken, Rasmussen and Benson

AN ACT Relating to subagents' fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

ESB 5530 by Senators Kline, Esser, Weinstein, Roach, Fairley, Franklin and Kohl-Welles

AN ACT Relating to prohibiting discrimination in life insurance based on lawful travel destinations; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 5552 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Kohl-Welles, McAuliffe, Benton, Johnson, Shin, Carrell, Rasmussen, Mulliken and Roach)

AN ACT Relating to information required for school district employment applicants; and amending RCW 28A.400.301.

Referred to Committee on Education.

E2SSB 5581 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Finkbeiner, Kohl-Welles, Rasmussen, Prentice, Hewitt, Fairley, Esser, Doumit, Keiser, Haugen, McAuliffe and Shin; by request of Governor Gregoire)

AN ACT Relating to the strategic financing of life sciences research; amending RCW 43.79.480, 42.30.110, and 43.84.092; reenacting and amending RCW 42.17.310, 42.17.310, 42.17.2401, 43.84.092, and 43.84.092; adding a new section to chapter 82.04 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

ESB 5583 by Senators Regala, Hargrove, McAuliffe, Stevens, Carrell, Kline, Rasmussen and Kohl-Welles

AN ACT Relating to older children who are victims of abuse or neglect; adding a new section to chapter 26.44 RCW; and declaring an emergency.

Referred to Committee on Children & Family Services.

SSB 5614 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Parlette, Rasmussen, Hargrove, Honeyford, Mulliken, Berkey, Oke and Kohl-Welles)

AN ACT Relating to industrial insurance fund audits; amending RCW 43.09.310; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce & Labor.

SSB 5623 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen and Esser)

AN ACT Relating to the excise taxation of maintenance service agreements for regional transit authorities; reenacting and amending RCW 82.04.050; and creating a new section.

Referred to Committee on Transportation.

2SSB 5638 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Rasmussen and Poulsen)

AN ACT Relating to student assessments; and amending RCW 28A.655.061.

Referred to Committee on Education.

ESSB 5699 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Oke, Jacobsen, Spanel, Doumit, Kline, Rockefeller and Rasmussen)

AN ACT Relating to preventing and controlling aquatic invasive species and algae; amending RCW 88.02.050; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 5709 by Senate Committee on Transportation (originally sponsored by Senators Parlette, Swecker, Honeyford, Mulliken, Sheldon and Benton)

AN ACT Relating to vehicle registration renewal fees within national recreation areas; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SSB 5775 by Senate Committee on Transportation (originally sponsored by Senator Mulliken)

AN ACT Relating to the creation of a small city or town street improvement program; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.26 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 5788 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Doumit, Kastama, Mulliken, Haugen, Morton, Poulsen, Pridemore and Berkey)

AN ACT Relating to ensuring the lawful transport and handling of recyclable materials; amending RCW 70.95.305; reenacting and amending RCW 70.95.020; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 5789 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Prentice and Parlette)

AN ACT Relating to authorizing self-insurers to make claim decisions and actively participate in workers' compensation claims; amending RCW 51.04.020, 51.04.030, 51.04.030, 51.04.040, 51.04.085, 51.08.040, 51.08.173, 51.14.110, 51.14.120, 51.14.130, 51.16.120, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.010, 51.28.020, 51.28.020, 51.28.030, 51.28.030, 51.28.040, 51.28.055, 51.28.055, 51.28.060, 51.28.070, 51.32.010, 51.32.040, 51.32.055, 51.32.055, 51.32.060, 51.32.080, 51.32.095, 51.32.095, 51.32.110, 51.32.160, 51.32.195, 51.32.210, 51.32.240, 51.36.010, 51.36.010, 51.36.015, 51.36.020, 51.36.060, 51.36.060, 51.36.070, 51.48.017, 51.48.040, 51.48.040, 51.48.080, 51.52.050, 51.52.070, 51.52.080, 51.14.080, 51.14.140, 51.28.070, 51.48.017, 51.48.025, and 51.48.080; reenacting and amending RCW 51.52.060; adding a new section to chapter 51.14 RCW; adding new sections to chapter 51.48 RCW; creating a new section; repealing RCW 51.32.190; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Commerce & Labor.

SB 5803 by Senators McAuliffe, Weinstein, Berkey, Shin, Kohl-Welles, Franklin, Schmidt, Thibaudeau, Eide, Kline, Keiser, Regala, Jacobsen and Rasmussen

AN ACT Relating to internet safety; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

SSB 5822 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Poulsen, Kastama, Spanel, Schmidt, Berkey, Schoesler, Hewitt, Esser, Mulliken and Jacobsen)

AN ACT Relating to motorist information sign panels; amending RCW 47.36.310; reenacting and amending RCW 47.36.320; and repealing RCW 47.36.325.

Referred to Committee on Transportation.

SSB 5832 by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Kohl-Welles and Rasmussen)

AN ACT Relating to the "Washington's National Park Fund" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5833 by Senator Brown

AN ACT Relating to special license plates to recognize the Gonzaga University alumni association; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSB 5850 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Keiser, Kohl-Welles and Shin)

AN ACT Relating to the definition of sick leave under the family care act; and amending RCW 49.12.265.

Referred to Committee on Commerce & Labor.

SSB 5862 by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Pflug, Eide, Shin and Rasmussen; by request of Lieutenant Governor and Secretary of State)

AN ACT Relating to creating the association of Washington generals; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

ESSB 5872 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt)

AN ACT Relating to creating the joint task force on the administration and delivery of services to children and families; creating new sections; and declaring an emergency.

Referred to Committee on Children & Family Services.

SSB 5902 by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Eide, Shin, Zarelli, Doumit, Rasmussen and Pflug)

AN ACT Relating to small business and entrepreneurial development; creating a new section; and making an appropriation.

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 5903 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen; by request of Office of Public Defense)

AN ACT Relating to duties of the director of the office of public defense; and amending RCW 2.70.020.

Referred to Committee on Judiciary.

ESB 5966 by Senators McCaslin, Haugen and Honeyford

AN ACT Relating to vehicle immobilization; amending RCW 46.55.010; adding a new section to chapter 46.55 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SSB 5969 by Senate Committee on Transportation (originally sponsored by Senators Swecker, Haugen, Esser and Spanel)

AN ACT Relating to city and town use of state fuel tax distributions; and amending RCW 46.68.110.

Referred to Committee on Transportation.

SB 5977 by Senators Oke and Regala

AN ACT Relating to the "we love our pets" special license plates; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSB 5992 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles and Parlette)

AN ACT Relating to the industrial injury second injury fund; amending RCW 51.44.040; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 6001 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Zarelli, Eide, Rockefeller, Kline and Kohl-Welles)

AN ACT Relating to training regarding the use of force and physical restraints for school building administrators and other school security personnel; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Education.

SB 6012 by Senators Spanel, Oke, Weinstein, Esser and Rasmussen

AN ACT Relating to parking and business improvement areas; and amending RCW 35.87A.010.

Referred to Committee on Transportation.

SSB 6022 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senator Prentice)

AN ACT Relating to surety bonds or insurance for public building or construction contracts; amending RCW 48.30.270; repealing RCW 53.08.145; and repealing 2000 c 143 s 3 (uncodified).

Referred to Committee on Financial Institutions & Insurance.

SJR 8207 by Senators Kline, Esser, Hargrove, Carrell and Johnson

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

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

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

## SECOND READING

**HOUSE BILL NO. 2169, By Representatives Walsh, Grant, Buri, Cox and Haler**

**Authorizing specified counties to regulate day care.**

The bill was read the second time.

Representative Kagi moved that Substitute House Bill No. 2169 be substituted for House Bill No. 2169 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2169 was read the second time.

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

Representatives Walsh, Kagi and Cox spoke in favor of passage of the bill.

Representative Cody spoke against the passage of the bill.

## MOTION

On motion of Representative Clements, Representatives Buck and Curtis were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2169.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2169 and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDonald, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Appleton, Cody, McCoy, McDermott, McIntire, Moeller and Williams - 7.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 2169, having received the necessary constitutional majority, was declared passed.

## POINT OF PERSONAL PRIVILEGE

Representative Ericksen congratulated Representative Walsh on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**HOUSE BILL NO. 1097, By Representatives Schual-Berke, Hinkle, Kagi, McCoy, Dickerson, Sells, Hunter, Roach, Tom, Nixon, Jarrett, Upthegrove, Murray, Campbell, Pettigrew, Roberts, Simpson, Ormsby, Appleton, Morrell, Haler, Dunn, P. Sullivan, O'Brien, Chase, Strow and Conway; by request of Washington Council for Prevention of Child Abuse and Neglect**

**Creating the "Keep Kids Safe" license plate series.**

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1097 be substituted for House Bill No. 1097 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1097 was read the second time.

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

Representatives Schual-Berke and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1097.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1097 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Hankins - 1.  
Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1097, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1169, By Representatives Quall, P. Sullivan, Talcott, Strow, Grant, Buri, Morrell, Miloscia, Dickerson, Morris, Lovick, Simpson, Tom, Chase, Kenney, O'Brien, Sells, Ormsby, Haigh and Santos**

**Including public school facilities as essential public facilities.**

The bill was read the second time.

Representative Simpson moved that Substitute House Bill No. 1169 be substituted for House Bill No. 1169 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1169 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1169.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1169 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells,

Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Upthegrove - 1.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1169, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1210, By Representatives B. Sullivan, Buck, Blake, Kretz, Upthegrove, Eickmeyer, Orcutt and Morrell; by request of Department of Fish and Wildlife**

**Providing for temporary combination fishing licenses.**

The bill was read the second time.

Representative McIntire moved that Substitute House Bill No. 1210 be substituted for House Bill No. 1210 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1210 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1210.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1210 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller,

Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1216, and the bill held its place on the second reading calendar.

**HOUSE BILL NO. 1218, By Representatives B. Sullivan, Lovick, Eickmeyer, Upthegrove, Ericksen, Morrell, Dickerson, Sells and Ormsby**

**Authorizing endangered wildlife license plates.**

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1218 be substituted for House Bill No. 1218 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1218 was read the second time.

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

Representatives B. Sullivan and Ericksen spoke in favor of passage of the bill.

Representative Morris spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1218.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri,

Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Flannigan, Hankins, Morris, and Strow - 4.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1254, By Representatives Wood, Jarrett, Simpson, B. Sullivan, Wallace, Kilmer, Hankins, Haler, Hunter, Morrell, Lovick, Nixon and Ormsby**

**Authorizing the "share the road" special license plate.**

The bill was read the second time.

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

Representatives Wood and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1254.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1254 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Flannigan, and Hankins - 2.

Excused: Representatives Buck and Curtis - 2.

HOUSE BILL NO. 1254, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1399, By Representatives Quall, McCoy, Cox, Blake, Sells, Skinner, Fromhold, Clements, Appleton, Morris, Linville, Hunter, Darneille, Ormsby, Morrell, Murray, Roberts, Campbell, Chase, P. Sullivan, Santos, Haigh, Dunn and Simpson**

**Authorizing public tribal colleges to participate in the running start program.**

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1399.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1399 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative DeBolt - 1.

Excused: Representatives Buck and Curtis - 2.

HOUSE BILL NO. 1399, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 1399.

RICHARD DEBOLT, 20<sup>th</sup> District

There being no objection, the House deferred action on HOUSE BILL NO. 1538 and HOUSE BILL NO. 1541, and the bills held their place on the second reading calendar.

#### HOUSE BILL NO. 1591, By Representatives Schual-Berke, Hinkle, Cody, Skinner and Moeller

##### Concerning assisted care facilities.

The bill was read the second time.

Representative Cody moved that Substitute House Bill No. 1591 be substituted for House Bill No. 1591 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1591 was read the second time.

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

Representatives Schual-Berke and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1591.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1591 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Anderson, and Bailey - 2.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1591, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1747, By Representatives Wood, Rodne, Priest, Clements, Lantz, Williams, Darneille and Ormsby

##### Administering the state-funded civil representation of indigent persons.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1747 be substituted for House Bill No. 1747 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1747 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1747.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1747 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen,

Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1747, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1799, By Representatives B. Sullivan and Upthegrove**

**Concerning park rangers employed by the parks and recreation commission.**

The bill was read the second time.

Representative O'Brien moved that Substitute House Bill No. 1799 be substituted for House Bill No. 1799 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1799 was read the second time.

Representative B. Sullivan moved the adoption of amendment (282):

On page 2, after line 29, insert

"(a) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Non-legislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(b) The compensable travel expenses as provided in (a) of this subsection shall be paid jointly by the Senate and the House of Representatives."

Representative B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative B. Sullivan spoke in favor of passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1799.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1799 and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 33.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1850, By Representatives Schual-Berke and Cody**

**Creating a retired volunteer medical worker license.**

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1850 be substituted for House Bill No. 1850 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1850 was read the second time.

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

Representatives Schual-Berke and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1850.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1850 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1850, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1887, By Representatives Hasegawa, Orcutt and Chase**

#### **Modifying exemptions to the litter tax.**

The bill was read the second time.

Representative McIntire moved that Substitute House Bill No. 1887 be substituted for House Bill No. 1887 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1887 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1887.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1887 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1887, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1893, By Representatives McDermott, Kenney and Dickerson**

#### **Providing for certification of teachers of the deaf and hard of hearing.**

The bill was read the second time.

Representative Quall moved that Substitute House Bill No. 1893 be substituted for House Bill No. 1893 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1893 was read the second time.

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

Representatives McDermott and Shabro spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1893.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1893 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1893, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1995, By Representatives Lantz, Skinner, Hunt, Moeller and Upthegrove**

**Concerning historic public facilities.**

The bill was read the second time.

Representative Ormsby moved that Substitute House Bill No. 1995 be substituted for House Bill No. 1995 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1995 was read the second time.

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

Representatives Lantz, Skinner and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1995.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1995 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1995, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2131, By Representatives Conway and Springer; by request of Department of Licensing**

**Concerning the master licensing service.**

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2131.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2131 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

HOUSE BILL NO. 2131, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2219, By Representatives Hunt, DeBolt, Williams and Alexander**

#### **Expanding eligibility for urban industrial land banks.**

The bill was read the second time.

Representative Hunt moved the adoption of amendment (212):

On page 5, beginning on line 7, after "(f)" strike all material through "(10)(f)" on line 9 and insert "Has a population fewer than two hundred fifty thousand, is bordered by Puget Sound on its northern boundary, and is bisected by Interstate 5"

Representatives Hunt and DeBolt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2219.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2219 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED HOUSE BILL NO. 2219, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2225, By Representative Kirby; by request of State Treasurer**

#### **Allowing certain higher education endowment grant funds to be deposited outside the state.**

The bill was read the second time.

Representative Kirby moved that Substitute House Bill No. 2225 be substituted for House Bill No. 2225 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2225 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2225.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2225 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 2225, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2254, By Representative Cody

#### Clarifying protections provided to quality improvement activities.

The bill was read the second time.

Representative Cody moved the adoption of amendment (348):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.24.250 and 2004 c 145 s 1 are each amended to read as follows:

(1) Any health care provider as defined in RCW 7.70.020 (1) and (2) (~~as now existing or hereafter amended~~) who, in good faith, files charges or presents evidence against another member of their profession based on the claimed incompetency or gross misconduct of such

person before a regularly constituted review committee or board of a professional society or hospital whose duty it is to evaluate the competency and qualifications of members of the profession, including limiting the extent of practice of such person in a hospital or similar institution, or before a regularly constituted committee or board of a hospital whose duty it is to review and evaluate the quality of patient care and any person or entity who, in good faith, shares any information or documents with one or more other committees, boards, or programs under subsection (2) of this section, shall be immune from civil action for damages arising out of such activities. For the purposes of this section, sharing information is presumed to be in good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading. The proceedings, reports, and written records of such committees or boards, or of a member, employee, staff person, or investigator of such a committee or board, (~~shall not be~~) are not subject to review or disclosure, or subpoena or discovery proceedings in any civil action, except actions arising out of the recommendations of such committees or boards involving the restriction or revocation of the clinical or staff privileges of a health care provider as defined (~~above~~) in RCW 7.70.020 (1) and (2).

(2) A coordinated quality improvement program maintained in accordance with RCW 43.70.510 or 70.41.200 and any committees or boards under subsection (1) of this section may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by a coordinated quality improvement committee or committees or boards under subsection (1) of this section, with one or more other coordinated quality improvement programs or committees or boards under subsection (1) of this section for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program or committee or board under subsection (1) of this section to another coordinated quality improvement program or committee or board under subsection (1) of this section and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (1) of this section and by RCW 43.70.510(4) and 70.41.200(3).

**Sec. 2.** RCW 43.70.510 and 2004 c 145 s 2 are each amended to read as follows:

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved pursuant to chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of five or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for

civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (6) of this section is not subject to an action for civil damages or other relief as a result of the activity or its consequences. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or with RCW 70.41.200 or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (4) of this section and RCW 4.24.250.

(7) The department of health shall adopt rules as are necessary to implement this section.

**Sec. 3.** RCW 70.41.200 and 2004 c 145 s 3 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was

independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or with RCW 43.70.510 or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered

to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section and RCW 4.24.250.

(9) Violation of this section shall not be considered negligence per se."

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2254.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2254 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien,

Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED HOUSE BILL NO. 2254, having received the necessary constitutional majority, was declared passed.

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

**HOUSE BILL NO. 1216, By Representatives Lovick, Eickmeyer, Upthegrove, Ericksen, Morrell, Dickerson, Holmquist and Sells**

**Providing funding for watchable wildlife activities by creating the "Wild On Washington" license plates.**

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1216 be substituted for House Bill No. 1216 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.

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

Representatives Lovick and Woods spoke in favor of passage of the bill.

The Speaker (Representative Cody presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1216.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1216 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter,

Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Hankins - 1.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1541, By Representatives Murray, Woods, Wallace, Jarrett, Ericksen, Morris, B. Sullivan, Chase, Schual-Berke, Rodne and Dickerson**

**Enacting the Transportation Innovative Partnerships Act.**

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1541 be substituted for House Bill No. 1541 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1541 was read the second time.

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

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Cody presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1541.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1541 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen,

Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Hasegawa - 1.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

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

**HOUSE BILL NO. 1106, By Representatives Haigh, Schindler, Simpson, Morris, Green, Miloscia, Hunt, P. Sullivan, Takko and Chase**

**Modifying fire protection district property tax levies.**

The bill was read the second time.

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

Representatives Haigh and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1106.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1106 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller,

Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

HOUSE BILL NO. 1106, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1749, By Representatives Green, Nixon, Hunt, Shabro, McDermott, Haigh, Moeller, Campbell, Simpson, Sells, Schual-Berke and Linville; by request of Secretary of State**

**Strengthening review and correction of county election procedures.**

The bill was read the second time.

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

Representatives Haigh, Green, Nixon and Haigh (again) spoke in favor of passage of the bill.

Representative Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1749.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1749 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott,

Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Buck and Curtis - 2.

HOUSE BILL NO. 1749, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1754, By Representatives Hunt, Nixon, McDermott, Haigh, Upthegrove, Moeller, Kenney, Chase, Simpson, Miloscia, Sells and Linville; by request of Secretary of State**

**Authorizing county-wide mail ballot elections.**

The bill was read the second time.

Representative Haigh moved that Substitute House Bill No. 1754 be substituted for House Bill No. 1754 and the substitute bill be placed on the second reading calendar.

Representatives Haigh spoke in favor of the motion.

Representatives Nixon and Clements spoke against the motion.

The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1754 was read the second time.

With the consent of the House, amendment (349) was withdrawn.

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

Representatives Hunt and Morrell spoke in favor of passage of the bill.

Representatives Nixon, Shabro, DeBolt, Dunn, Armstrong, Clements and Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1754.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1754 and the bill passed the House by the following vote: Yeas - 58, Nays - 38, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Darneille, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Hunter, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Talcott, Walsh and Woods - 38.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1754, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1754.

JANEA HOLMQUIST, 13<sup>th</sup> District

**HOUSE BILL NO. 2027, By Representatives Green, Nixon, Haigh, Kessler and Kagi; by request of Secretary of State**

**Changing the date of the primary.**

The bill was read the second time.

Representative Haigh moved that Substitute House Bill No. 2027 be substituted for House Bill No. 2027 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2027 was read the second time.

With the consent of the House, amendment (352) was adopted.

Representative Haigh moved the adoption of amendment (357):

On page 5, line 18, after "~~fourth~~" strike "third" and insert "first"

On page 5, line 19, after "~~(July)~~" strike "May" and insert "June"

On page 5, at the beginning of line 30, strike "third" and insert "first"

On page 5, line 30, after "~~(July)~~" strike "May" and insert "June"

Representatives Haigh and Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Green, Nixon, Haigh, Orcutt, Ericksen, Dunn and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2027.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2027 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Roach - 1.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1341, By Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase

#### Authorizing additional investment authority for specified hospital districts.

The bill was read the second time.

Representative Simpson moved that Substitute House Bill No. 1341 be substituted for House Bill No. 1341 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1341 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1341.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1341 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Voting nay: Mr. Speaker - 1.

Excused: Representatives Buck and Curtis - 2.

SUBSTITUTE HOUSE BILL NO. 1341, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT RESOLUTION NO. 4202, By Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase**

**Authorizing investment of hospital district funds.**

The joint resolution was read the second time.

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

Representatives Simpson and Schindler spoke in favor of passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Resolution No. 4202.

**ROLL CALL**

The Clerk called the roll on the final passage of House Joint Resolution No. 4202 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Voting nay: Mr. Speaker - 1.

Excused: Representatives Buck and Curtis - 2.

HOUSE JOINT RESOLUTION NO. 4202, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2185, By Representatives Newhouse, Conway and Condotta**

**Establishing residence modifications standards.**

The bill was read the second time.

Representative Newhouse moved the adoption of amendment (280):

On page 1, at the beginning of line 10, strike "six" and insert "nine"

On page 2, line 4, after "by" strike "December 1, 2005" and insert "January 31, 2006"

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Newhouse and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2185.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2185 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED HOUSE BILL NO. 2185, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2270, By Representatives McIntire and Murray**

**Exempting payment for certain services provided by public development authorities from business and occupation taxation.**

The bill was read the second time.

Representative McIntire moved the adoption of amendment (343):

On page 1, line 8, after "35.21.660" insert "or RCW 35.21.730 through 35.21.755"

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

The amendment was adopted.

Representative McIntire moved the adoption of amendment (344):

On page 1, line 11, after "sole" strike "manager" and insert "managing member"

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

The amendment was adopted. The bill was ordered engrossed.

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

Representative McIntire spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2270.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2270 and the bill passed the House by the following vote: Yeas - 60, Nays - 36, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 36.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED HOUSE BILL NO. 2270, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 15, 2005

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5289,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,  
SENATE BILL NO. 5461,  
SENATE BILL NO. 5477,  
SUBSTITUTE SENATE BILL NO. 5492,  
ENGROSSED SENATE BILL NO. 5510,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,  
SUBSTITUTE SENATE BILL NO. 5058,  
SECOND SUBSTITUTE SENATE BILL NO. 5782,  
SENATE BILL NO. 5809,  
SUBSTITUTE SENATE BILL NO. 5951,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5952,  
SUBSTITUTE SENATE BILL NO. 5953,  
SUBSTITUTE SENATE BILL NO. 6025,  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

**HOUSE BILL NO. 1640, By Representatives Morrell, Chase, Dunn, McCoy, O'Brien, Appleton and Lantz**

**Providing a dispute mechanism for manufactured/mobile home landlord and tenant disputes.**

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 1640 be substituted for House Bill No. 1640 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1640 was read the second time.

With the consent of the House, amendments (211), (312), (313), (314), (315), (316), (317), (318), (334), (335) and (336) were withdrawn.

Representative Springer moved the adoption of amendment (365):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that there are factors unique to the relationship between a manufactured/mobile homeowner and a manufactured/mobile home park owner. Once occupancy has commenced, the difficulty and expense in moving and relocating a manufactured/mobile home can affect the operation of market forces, and lead to an inequality of the bargaining position of the parties. Once occupancy has commenced, a homeowner may be subject to violations of the manufactured/mobile home landlord-tenant act or unfair practices without a timely and cost-effective conflict resolution process. Although a homeowner, landlord, or park owner may take legal action as prescribed in the manufactured/mobile home landlord-tenant act, the judicial process is often time and cost prohibitive. This act is created for the purpose of protecting the public, fostering fair and honest competition, and regulating the factors unique to the relationship between the manufactured/mobile homeowner and park owner.

(2) The legislature finds that taking legal action against a park owner for violations of the manufactured/mobile home landlord-tenant act can be a costly and lengthy process, and that many people cannot afford to pursue a court process to vindicate statutory rights. Park owners similarly are impacted by legal fees and lengthy proceedings resulting from pursuing a remedy through the legal system and would also, therefore, benefit from having access to an appropriate, effective process that resolves disputes quickly and efficiently.

(3) Therefore, it is the intent of the legislature to provide a less costly and more efficient way for manufactured/mobile homeowners and park owners to resolve disputes, and to provide a mechanism for state authorities to quickly locate owners of manufactured housing communities. The legislature further intends to authorize the department of community, trade, and economic development to:

(a) Register mobile home parks or manufactured housing communities and report upon data to the appropriate committees of the legislature by December 31, 2005;

(b) Expand its current ombudsman program by hiring or contracting with additional persons to conduct a greater number of investigations of alleged violations of the manufactured/mobile home landlord-tenant act; and

(c) Collect and report upon data related to conflicts and violations to the appropriate committees of the legislature by December 31, 2005.

(4) If after receiving the reports under subsection (3) of this section, the legislature finds that the provisions of this act authorizing the department to register mobile/manufactured home communities, investigate complaints, clarify existing law, and work to resolve disputes in good faith voluntarily prove insufficient to adequately protect the rights and responsibilities of mobile home park tenants and owners, it is the intent of the legislature to find other methods for resolution in the future.

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

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

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Mobile home park" or "manufactured housing community" means any real property that is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except when the real property is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy.

(4) "Landlord" or "park owner" means the owner of a mobile home park or a manufactured housing community and includes the agents of the landlord.

(5) "Tenant" or "homeowner" means any person, except a transient, who rents or occupies a mobile home lot.

(6) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or part of the legal title to the real property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the real property.

(7) "Unfair practice" means any act that would constitute an unfair or deceptive act or practice under chapter 19.86 RCW.

(8) "Complainant" means a landlord, park owner, tenant, or homeowner, who has a complaint alleging an unfair practice or violation of chapter 59.20 RCW.

(9) "Respondent" means a landlord, park owner, tenant, or homeowner, alleged to have committed an unfair practice or violation of chapter 59.20 RCW.

**NEW SECTION. Sec. 3.** (1) A complainant shall have the right to file a complaint with the department alleging an unfair practice or a violation of chapter 59.20 RCW.

(2) The complainant must provide written notice to the respondent prior to notifying the department of an alleged violation of chapter 59.20 RCW or unfair practice. If the complaint is not remedied within the time frame provided by RCW 59.20.080 for tenant violations or 59.20.200 for landlord violations, the complainant may then file a complaint with the department.

(3) The department may:

(a) Investigate the alleged violations at its discretion upon receipt of a complaint alleging unfair practices or violations of chapter 59.20 RCW;

(b) Utilize investigative ombudsman staff or contractors to investigate and evaluate complaints alleging unfair practices or violations of chapter 59.20 RCW;

(c) Discuss the issues surrounding or relating to the complaint with the complainant, respondent, or any witnesses, either individually or jointly;

(d) Explain options available to the complainant or respondent, including the involvement of other agencies; and

(e) Negotiate an agreement that is agreed upon by both the complainant and the respondent.

(4) The department may require or permit any person to file a complaint or statement in writing or otherwise as the department determines, as to the facts and circumstances concerning a matter to be investigated.

(5) The department has the power to employ investigative, administrative, and clerical staff as necessary for administration of this act.

(6)(a) Complainants and respondents shall cooperate with the department in the course of an investigation by:

(i) Furnishing any papers or documents requested; and

(ii) Furnishing in writing an explanation covering the matter contained in a complaint when requested by the department.

(b) Failure to cooperate with the department in the course of an investigation is a violation of this act.

(7) After the department has completed its investigation and other duties, the department shall compile a written report documenting the process and resolution of the complaint investigation. Under no circumstances shall the department make or issue any finding, conclusion, decision, or ruling on whether there was a violation of chapter 59.20 or 19.86 RCW.

(8) By December 31, 2005, the department shall submit a summary report of its activities under this act during the period after the effective date of this act, through December 31, 2005, to the house of representatives housing committee and the senate committee on financial institutions, housing and consumer protection, including:

(a) The number of complaints received;

(b) The nature and extent of the complaints received;

(c) The actions taken on each complaint by the department;

(d) Recommendations on what further changes in law are necessary to resolve disputes;

(e) Recommendations on changes to the department's ombudsman and investigative programs;

(f) Recommendations on resources necessary to retain or improve the program; and

(g) Recommendations on whether a formal mobile/manufactured home landlord-tenant act enforcement and administrative hearing process should be adopted and how such a process should be structured.

(9) The department shall ensure that notice of the ombudsman complaint resolution program is given to each mobile/manufactured home landlord or park owner and each mobile home unit owner or tenant. The landlord shall post an easily visible notice in all common areas of mobile/manufactured home communities, including in each clubhouse, summarizing mobile home park tenant rights and responsibilities, in a style and format to be determined by the department, and including a toll-free telephone number that mobile home park owners and tenants can use to seek additional information and communicate complaints.

(10) This section is not exclusive and does not limit the right of landlords or tenants to take legal action against another party as provided in chapter 59.20 RCW or otherwise. Exhaustion of this ombudsman remedy process is not required before bringing legal action. This act is not subject to chapter 34.05 RCW. This section does not apply to unlawful detainer actions initiated under chapters 59.20, 59.12, and 59.18 RCW; however, a tenant is not precluded from seeking relief under this act if the complaint claims the notice

of termination violates RCW 59.20.080. Filing a complaint with the department is not a defense nor shall it in any way delay or otherwise affect an unlawful detainer action. Department-written reports documenting the process and resolution of the complaint investigation, any written explanation covering the matter requested by the department, any other documents or papers requested or produced by the department, or any other record of the complaint may be admissible only for purposes of impeachment in any unlawful detainer or other administrative or legal action in regard to chapter 59.20 RCW.

**NEW SECTION. Sec. 4.** The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based upon any disciplinary actions or other official acts performed in the course of their duties under this act, except their intentional or willful misconduct.

**NEW SECTION. Sec. 5.** (1) All mobile home parks and manufactured housing communities must be registered with the department.

(2) To apply for registration, the owner of a mobile home park or manufactured housing community must file with the department an application for registration on a form prescribed by the department. The application must include, but is not limited to:

(a) The name and address of the owner of the mobile home park or manufactured housing community;

(b) The name and address of the mobile home park or manufactured housing community;

(c) The name and address of the manager of the mobile home park or manufactured housing community; and

(d) The number of lots within the mobile home park or manufactured housing community that are subject to chapter 59.20 RCW.

(3) Certificates of registration are effective on the date issued by the department.

**NEW SECTION. Sec. 6.** The department must:

(1) Compile the most accurate list possible of all the mobile home parks or manufactured housing communities in the state, the number of lots subject to chapter 59.20 RCW located in each mobile home park or manufactured housing community, and the names and addresses of the owners of these parks. The department shall present this list to the house of representatives housing committee and the senate committee on financial institutions, housing and consumer protection by December 31, 2005. The department is encouraged to work with groups including, but not limited to: The office of community development, mobile homeowners' associations, tenant advocacy groups, park owners' associations, and county assessors to generate the list;

(2) Send out notifications to all known mobile home park owners or manufactured housing community owners regarding the due date of the assessment pursuant to section 7 of this act. These notifications must include information about late fees, liens, and passing costs on to tenants; and

(3) Collect the registration assessment due from all mobile home park owners or manufactured housing community owners, and allow ninety days to pass before late fees and lien notices are sent to noncomplying owners as provided in this act.

**NEW SECTION. Sec. 7.** (1) The owner of each mobile home park or manufactured housing community shall pay to the department a registration assessment of five dollars for each

mobile home or manufactured home that is subject to chapter 59.20 RCW within a park or community to fund the costs associated with administering this act. Manufactured housing community owners or mobile home park owners may pass on no more than two dollars and fifty cents of this assessment to tenants.

(2) If an owner fails to pay the assessment before the registration expiration date, a late fee shall be assessed of one dollar per day for each mobile home or manufactured home that is subject to chapter 59.20 RCW. The owner is not entitled to any reimbursement of this fee from the tenants.

**NEW SECTION. Sec. 8.** The manufactured/mobile home investigations account is created in the custody of the state treasurer. All receipts from fees collected under section 7 of this act must be deposited into the account. Expenditures from the account may be used only for the costs associated with administering this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 9.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with this chapter and the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The office shall administer the mobile/manufactured home community registration program including the collection of assessments, associated late fees, and the compilation of data related to the number of communities and number of lots within the community that are subject to chapter 59.20 RCW.

(4) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

**NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 11.** Except for section 12 of this act, this act expires December 31, 2005.

**NEW SECTION. Sec. 12.** In January 2006, the state treasurer shall transfer any funds remaining in the manufactured/mobile home investigations account under section 8

of this act to the mobile home affairs account under RCW 59.22.070 for the purposes under RCW 59.22.050."

Correct the title.

Representative Holmquist moved adoption of amendment (366) to amendment (365):

On page 7, line 7, after "assessed" strike "of one dollar per day" and insert "at the prevailing interest rate for superior court civil judgements for"

Representatives Holmquist and Springer spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

The question before the House was the adoption of the amendment as amended.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Morrell, Holmquist and Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1640.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1640 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott,

Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640.

BOB SUMP, 7<sup>th</sup> District

**HOUSE BILL NO. 1903, By Representatives Ericks, Haler, Linville, Springer, Kilmer, Morrell, O'Brien, Schual-Berke, P. Sullivan, Simpson, Pettigrew, Jarrett, Wallace, Sells, Strow, Grant, Upthegrove, Kessler, Dunn, Fromhold, Appleton, Chase, Green, Moeller, Hasegawa and Takko**

#### Creating a job development fund.

The bill was read the second time.

Representative Ormsby moved that Substitute House Bill No. 1903 be substituted for House Bill No. 1903 and the substitute bill be placed on the second reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1903 was read the second time.

With the consent of the House, amendments (247), (268), (276), (277), (301), (303), (310) and (323) were withdrawn.

Representative Ericks moved the adoption of amendment (364):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature has and continues to recognize the vital importance of economic development to the health and prosperity of Washington state as indicated in RCW 43.160.010, 43.155.070(4)(g), 43.163.005, and 43.168.010. The legislature finds that current economic development programs and funding, which are primarily low-interest loan programs, can be enhanced by creating a grant program to assist local governments with public infrastructure projects that directly stimulate community and economic development by supporting the creation of new jobs or the retention of existing jobs.

NEW SECTION. Sec. 2. A new section is added to chapter 43.155 RCW to read as follows:

(1) The job development fund program is created. In administering the job development fund, the board shall establish a

competitive process to request and prioritize proposals for public infrastructure projects, the primary objective of which is to stimulate community and economic development through development or redevelopment of an area. For the purposes of this act, "public infrastructure projects" has the same meaning as "public facilities" as defined in RCW 43.160.020(11).

(2) The board shall conduct a statewide request for project applications from political subdivisions or federally recognized Indian tribes in partnership with a political subdivision. The board shall develop criteria on which to evaluate and rank applications, and shall develop performance and evaluation criteria to review how well successful applicants met the community and economic development objectives stated in their applications. Among the priorities for ranking projects, the board shall include consideration of:

(a) The relative benefits provided to the community by the jobs the project would create, including, but not limited to: (i) The total number of jobs; (ii) the total number of full-time, family wage jobs; (iii) the unemployment rate in the area; and (iv) the increase in employment in comparison to total community population;

(b) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(c) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

(d) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under this act;

(e) The ability of the project to improve the viability of existing business entities in the project area; and

(f) Whether or not the project is a partnership of multiple jurisdictions.

(3) At a minimum, applicants shall demonstrate that the requested assistance will directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects.

(4) The board shall not provide financial assistance if the funds will not be used within the jurisdiction or jurisdictions of the local government deemed in need of the community or economic development.

(5) The board shall not provide financial assistance for any project for which evidence exists that the project would result in a development or expansion that would displace existing jobs in any other community in the state.

(6) By September 1, 2010, the joint legislative audit and review committee shall submit a report to the appropriate committees of the legislature. The report, at a minimum, should evaluate the effectiveness of the job development fund grant program, including a project by project review. The report should include information regarding the criteria and performance measures used, whether the performance measures were met, and how the funds were used.

NEW SECTION. Sec. 3. A new section is added to chapter 43.155 RCW to read as follows:

(1) For the 2005-2007 biennium, the board may solicit and rank applications to the job development fund as provided in section 2(2) of this act, and need not submit the list for approval to

the legislature, to the extent funding is included in the 2005-2007 capital budget for purposes of this section and to the extent the legislature has not specified otherwise in the appropriation.

(2)(a) Beginning with the 2007-2009 biennium, the board may not sign contracts or otherwise financially obligate job development funds until the legislature has approved a specific list of projects. Beginning with the 2007-2009 biennium and thereafter, the board shall submit a prioritized list of recommended projects to the governor and the legislature. The legislature may remove projects from the list recommended by the board.

The legislature may not change the prioritization of projects recommended for funding by the board. For purposes of the job development funds's biennial capital budget request, the board shall request fifty million dollars per biennium. The total amount of the board's recommended state funding for projects on a biennial job development fund project list submitted by the board may not exceed seventy percent of the biennial budget request. The board may provide an additional alternate job development fund project list up to ten million dollars. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The board shall also describe the expected community or economic development benefits for each of the recommended projects in its budget request.

(b) The remaining funds not expended or obligated under (a) of this subsection may be expended or obligated by the governor, with the approval of the board, for projects not on the list approved by the legislature if:

(i) The application was submitted for consideration in the board's biennial application solicitation and ranking process, meets the criteria developed pursuant to section 2(2) of this act, but circumstances have subsequently changed that make the project more urgent and more highly ranked;

(ii)(A) The application was submitted after the board's biennial application deadline through no fault of the applicant; (B) the application meets the criteria developed pursuant to section 2(2) of this act; and (C) the applicant cannot wait for the next biennial application period due to exigent or emergency circumstances; or

(iii)(A) Through no fault of the applicant, the project was not proposed in time for consideration in the board's biennial application solicitation; (B) the project meets the criteria developed pursuant to section 2(2) of this act; and (C) the project cannot wait for the next biennial application period due to exigent or emergency circumstances.

(c) When funds are expended or obligated pursuant to (b) of this subsection, the governor shall inform the speaker and minority leader of the house of representatives, and the president, majority leader, and minority leader of the senate in writing within ten business days of expending or obligating the funds.

(3) The maximum grant from the job development fund for any one project is ten million dollars. Grant assistance from the job development fund may not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

**Sec. 4.** RCW 43.155.050 and 2001 c 131 s 2 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by

the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. Beginning July 1, 2007, fifty million dollars from the public works assistance account will be appropriated each biennium for the job development fund program grants and administrative expenses.

**NEW SECTION. Sec. 5.** The joint legislative audit and review committee shall conduct an inventory of all state public infrastructure programs and funds. The inventory shall identify: the public infrastructure state programs and funds and the purposes each serve; how the program or fund is implemented; the types of public infrastructure projects supported by the program or fund; the dollar amount of the projects funded by each program or fund; the balance of a fund, if applicable; and the geographic distribution of projects supported by a program or fund. Where applicable, the inventory shall identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds. Where appropriate, the inventory shall evaluate the return on investment for economic development infrastructure programs. The inventory shall be delivered to the appropriate committees of the legislature by December 1, 2005.

**NEW SECTION. Sec. 6.** This act shall expire June 30, 2011.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Ericks spoke in favor of the adoption of the amendment.

Representative Kristiansen spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The results was 55 - YEAS; 41 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Ericks, Dunshee, Pettigrew and Simpson spoke in favor of passage of the bill.

Representatives Kristiansen, Anderson, Haler, Jarrett, Newhouse, Orcutt, Nixon, Shabro and Alexander spoke against the passage of the bill.

#### MOTION

On motion of Representative Clements, Representative Sump was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1903.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1903 and the bill passed the House by the following vote: Yeas - 54, Nays - 41, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Eickmeyer, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Talcott, Tom, Walsh and Woods - 41.

Excused: Representatives Buck, Curtis and Sump - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2015, By Representatives Kagi, O'Brien, Hinkle, Fromhold, Darneille, Upthegrove, Tom, Kenney and Dickerson**

**Changing provisions relating to judicially supervised substance abuse treatment.**

The bill was read the second time.

Representative Kagi moved that Second Substitute House Bill No. 2015 be substituted for House Bill No. 2015 and the second substitute bill be placed on the second reading calendar. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 2015 was read the second time.

Representative Kagi moved the adoption of amendment (359):

On page 3, line 38, after "greater." insert "If the court imposes a term of community custody, the department shall within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody."

On page 6, line 21, after "section" strike all material through "section." on line 22

On page 6, line 24, after "RCW 70.96A.350" strike all material through "contract" on line 25

Representatives Kagi and Pearson spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Pearson moved the adoption of amendment (286):

On page 3, line 6, after "of" strike "either"

On page 3, line 7, after "this section" strike "or a community-based alternative under subsection (6) of this section"

On page 3, at the beginning of line 36, strike all material through the end of line 26 on page 4

Renumber the remaining subsections accordingly

On page 6, at the beginning of line 20, strike all material through the end of line 25

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

Representative O'Brien spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (286) to Second Substitute House Bill No. 2015.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (286) to Second Substitute House Bill No. 2015, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 51, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Takko, Talcott, Wallace, Walsh and Woods - 44.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Tom, Upthegrove, Williams, Wood and Mr. Speaker - 51.

Excused: Representatives Buck, Curtis, and Sump - 3.

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 Kagi, O'Brien, Darneille, Dickerson and Flannigan spoke in favor of passage of the bill.

Representatives Pearson, Ericksen and Ahern spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2015.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2015 and the bill passed the House by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Armstrong, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B.,

Sullivan, P., Tom, Upthegrove, Walsh, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Green, Holmquist, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Takko, Talcott, Wallace, and Woods - 37.

Excused: Representatives Buck, Curtis and Sump - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1268, By Representatives Schual-Berke, Jarrett, Tom, Sommers, Dickerson, Cody, Hankins, Murray, Hudgins, B. Sullivan, Fromhold, Haler, Appleton, Wallace, Kagi, Dunshee, Springer, Upthegrove, Kenney, Quall, Pettigrew, Morris, Darneille, Moeller, Morrell, Hunt, Lovick, Kessler, Williams, Roberts, Chase, Santos and McIntire**

### Regulating stem cell research.

The bill was read the second time.

With the consent of the House, amendment (220) was withdrawn.

Representative Bailey moved the adoption of amendment (143):

On page 1, line 12, after "research" strike "offers" and insert "may offer"

On page 2, line 21, after "research" strike "holds enormous" and insert "may hold"

On page 2, line 24, beginning with "Furthermore" strike all material through "manner." on line 25

On page 2, line 26, after "human" strike "being" and insert "organism"

On page 3, line 4, after "cloning" strike all material through "uterus" on line 7 and insert "" means the use of somatic cell nuclear transfer performed"

On page 3, line 9, after "or "" strike "therapeutic"

On page 3, line 12, after "it" strike "reaches the blastocyst stage" and insert "becomes an embryo"

On page 3, after line 12, insert the following:  
 "(8) "Therapeutic cloning" or "embryo cloning" means the use of somatic cell nuclear transfer performed with the purpose of creating a cloned human organism to be used for scientific experimentation and then destroyed."

On page 6, line 6, after "in" strike "reproductive cloning of a human being" and insert "the cloning of a human organism"

On page 6, line 6, after "attempting" strike "reproductive cloning of a human being" and insert "the cloning of a human organism"

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

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (361):

On page 1, line 12, after "(2)" strike "Stem" and insert "Adult stem cell and cord blood stem"

On page 1, line 14, after "biology." strike "Stem" and insert "Adult stem cell and cord blood stem"

On page 2, at the beginning of line 3, insert "adult stem cell and cord blood"

On page 2, line 3, after "promise of" insert "adult stem cell and cord blood"

On page 2, line 6, after "(4)" strike "Stem" and insert "Adult stem"

On page 2, line 11, before "stem" insert "adult"

On page 2, line 15, after "advance" strike "embryonic"

On page 2, line 18, after "(6)" strike all material through "(7)" on line 21

On page 2, line 33, after "layer" strike ", from which embryonic stem cells are derived,"

On page 3, line 23, after "regeneration," insert "adult or cord blood"

On page 3, beginning on line 27, strike "embryonic" and insert "adult stem cell or cord blood"

On page 3, line 31, after "human" strike "embryonic" and insert "adult stem cells or cord blood"

On page 3, line 34, after "human" strike all material through "transfer," on line 35 and insert "adult stem cells and cord blood stem cells"

On page 4, line 3, after "human" strike "embryonic" and insert "adult stem cells and cord blood"

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

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Miloscia moved the adoption of amendment (221):

On page 2, line 36, after "(2)" insert ""Clone a human being" or "cloning a human being" means the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male.

(3) "Cloned human being" means an individual created by human cloning.

(4)"

On page 3, at the beginning of line 1, strike "(3)" and insert "(5)"

On page 3, at the beginning of line 3, strike "(4)" and insert "(6)"

On page 3, after line 3, insert the following:  
 "(7) "Public employee" means any person employed by the state of Washington or any agency or political subdivision thereof.

(8) "Public facilities" means any public instruction, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Washington or any agency or political subdivision thereof.

(9) "Public funds" means any funds received or controlled by the state of Washington or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state, or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers."

On page 3, at the beginning of line 4, strike all material through "being." on line 7

On page 3, at the beginning of line 8, strike "(6)" and insert "(10)"

On page 3, at the beginning of line 9, strike "(7)" and insert "(11)"

On page 3, after line 12, insert the following:  
**"NEW SECTION. Sec. 3.** (1) No person shall knowingly clone a human being, participate in cloning a human being, or attempt to clone a human being.

(2) No person shall knowingly use public funds to clone a human being or to attempt to clone a human being.

(3) No person shall knowingly use public facilities to clone a human being or to attempt to clone a human being.

(4) No public employee shall knowingly allow any person to clone a human being or to attempt to clone a human being while the person is making use of public funds or public facilities.

(5) Any person who violates any of the provisions of subsections (1) through (4) of this section is guilty of a class B felony.

(6) The laws of this state shall be interpreted and construed to acknowledge on behalf of a cloned human being at every stage of

development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state, subject only to the Constitution of the United States and decisional interpretations thereof by the United States Supreme Court and specific provisions to the contrary in the statutes and constitution of this state."

Renumber the sections consecutively and correct any internal references accordingly.

On page 6, beginning on line 5, strike all of section 5

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Miloscia, Bailey, Hinkle, Clements, McDonald, Ahern, Holmquist and Campbell spoke in favor of the adoption of the amendment.

Representatives Cody, Flannigan and Schual-Berke spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (221) to House Bill No. 1268.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (221) to House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 55, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sullivan, P., Talcott, Walsh and Woods - 40.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, Murray, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Excused: Representatives Buck, Curtis, and Sump - 3.

Representative Bailey moved the adoption of amendment (144):

On page 4, line 11, after "(1)" strike all material through "act." on page 6, line 4 and insert the following:

"A health care provider delivering fertility treatment must provide his or her patient with timely, relevant, and appropriate information to allow the patient to make an informed and voluntary choice about the disposition of any human embryos in the blastocyst stage of development remaining following the fertility treatment.

(2) Any person to whom information is provided pursuant to subsection (1) of this section must be presented with the option of storing any unused embryos in the blastocyst stage of development, donating unused embryos in the blastocyst stage of development to another individual, discarding unused embryos in the blastocyst stage of development, or donating unused embryos in the blastocyst stage of development for research. When providing fertility treatment, the health care provider must provide a form to the male and female partner, or the person without a partner, as applicable, that sets forth advanced written directives regarding the disposition of unused embryos in the blastocyst stage of development. The form must indicate the time limit on storage of the embryos in the blastocyst stage of development at the clinic or storage facility and provide, at a minimum, the following choices for disposition of the embryos in the blastocyst stage of development based on the following circumstances:

(a) Upon written notice of the death of a patient or patient's partner, the embryos in the blastocyst stage of development must be disposed of by one of the following actions:

(i) Making the embryos in the blastocyst stage of development available to the living partner, if any;

(ii) Donating the embryos in the blastocyst stage of development for research purposes;

(iii) Thawing the embryos in the blastocyst stage of development without any further action;

(iv) Donating the embryos in the blastocyst stage of development to another person; or

(v) Disposing of the embryos in the blastocyst stage of development in any other clearly stated method;

(b) Upon written notice of the separation or divorce of the partners, the embryos in the blastocyst stage of development must be disposed of by any of the following actions:

(i) Making the embryos in the blastocyst stage of development available to the female partner;

(ii) Making the embryos in the blastocyst stage of development available to the male partner;

(iii) Donating the embryos in the blastocyst stage of development for research purposes;

(iv) Thawing the embryos in the blastocyst stage of development without any further action;

(v) Donating the embryos in the blastocyst stage of development to another person; or

(vi) Disposing of the embryos in the blastocyst stage of development in any other clearly stated method; and

(c) Upon the partners' decision, or the decision of a patient who is without a partner, to abandon the embryos in the blastocyst stage of development by written request or a failure to pay storage fees, the embryos in the blastocyst stage of development must be disposed of by one of the following actions:

(i) Donating the embryos in the blastocyst stage of development for research purposes;

(ii) Thawing the embryos in the blastocyst stage of development without any further action;

(iii) Donating the embryos in the blastocyst stage of development to another person; or

(iv) Disposing of the embryos in the blastocyst stage of development in any other clearly stated method.

(3) A health care provider delivering fertility treatment must obtain written consent from any person who elects to donate embryos in the blastocyst stage of development remaining after fertility treatment for research. To obtain informed consent, the health care provider must provide the following information to the person that:

(a) The early human embryos in the blastocyst stage of development will be used to derive human pluripotent stem cells for research and that the cells may be used, at some future time, for human transplantation research;

(b) Information that would permit the donor to be individually identified will be removed before deriving human embryonic stem cell lines;

(c) Donors will not receive any information about subsequent testing on the embryos in the blastocyst stage of development or the derived human pluripotent cells;

(d) Derived cells or cell lines may be kept for many years;

(e) The donor material may have commercial potential, and the donor will not receive financial or any other benefits from any future commercial development;

(f) The human pluripotent stem cell research is not intended to provide direct medical benefit to the donor; and

(g) Human embryos in the blastocyst stage of development donated for research will not be transferred to a woman's uterus and will be destroyed during the stem cell derivation process. Research will be conducted in accordance with the advisory committee established in section 3 of this act."

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

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hankins moved adoption of amendment (254):

On page 6, after line 17, insert the following:

**"NEW SECTION. Sec. 6.** (1) A person may donate human embryonic tissue or human cadaveric fetal tissue for research purposes.

(2) A person may not knowingly, for valuable consideration, purchase or sell human embryonic tissue or human cadaveric fetal tissue for research purposes.

(3) Valuable consideration does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transportation, or implantation of human embryonic tissue or human cadaveric tissue.

(4) A person who violates this section is guilty of a felony and upon conviction is subject to a fine not to exceed fifty thousand dollars or imprisonment not to exceed five years, or both."

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

On page 6, line 29, after "through" strike "7" and insert "8"

Representative Anderson moved adoption of amendment (297) to amendment (254):

On page 1, line 11 of the amendment, strike all of subsection (4) and insert the following:

"(4) A person who violates this section is guilty of a class B felony and upon conviction is subject to a fine not to exceed twenty thousand dollars or imprisonment not to exceed ten years."

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

Representatives Anderson and Schual-Berke spoke in favor of adoption of the amendment to the amendment.

The question before the House was the adoption of amendment (254) as amended.

Representatives Hankins and Schual-Berke spoke in favor of adoption of the amendment as amended.

The amendment 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.

Representative Schual-Berke spoke in favor of the adoption of the bill.

Representative Anderson spoke against the adoption of the bill.

#### **POINT OF ORDER**

Representative Schual-Berke:

#### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding):

Representatives B. Sullivan and Eickmeyer spoke in favor of passage of the bill.

Representatives Schindler, Hinkle and Miloscia spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1268.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1268 and the bill passed the

House by the following vote: Yeas - 59, Nays - 36, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, Murray, Ormsby, Pettigrew, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Schindler, Serben, Shabro, Skinner, Strow, Sullivan, P., Talcott, and Woods - 36.

Excused: Representatives Buck, Curtis, and Sump - 3.

ENGROSSED HOUSE BILL NO. 1268, having received the necessary constitutional majority, was declared passed.

With the consent of the House, Rule 13c was suspended.

**HOUSE BILL NO. 1758, By Representatives Kessler, Nixon, Haigh, Chandler, Clements, Schindler, Hunt, Hunter, Hinkle, Takko, B. Sullivan, Miloscia, Buck and Shabro; by request of Attorney General**

**Revising public disclosure law.**

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 1758 be substituted for House Bill No. 1758 and the second substitute bill be placed on the second reading calendar. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 1758 was read the second time.

Representative Moeller moved the adoption of amendment (257):

On page 3, after line 38, insert the following:

"Sec. 5. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

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

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

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

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or deprecation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair

contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests

the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit

service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

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

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist

acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg)(i) Records reflecting communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties and an attorney serving in the capacity of legal advisor for the purpose of rendering or obtaining legal advice, and records prepared by the attorney in furtherance of the rendition of legal advice.

(ii) Records are not exempt from disclosure under this subsection merely because they reflect communications in meetings where legal counsel was present or because a record or

copy of a record was provided to legal counsel, if the elements of (ggg)(i) of this subsection are not met.

This subsection (1)(ggg) governs exemption of records from the provisions of this chapter based on the attorney-client privilege as applied to public agencies and public officials in their official capacities, consistent with the provisions of RCW 5.60.060(2).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Renumber the remaining section consecutively and correct the title.

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

Representatives Nixon and Haigh spoke against the adoption of the amendment.

The amendment was not 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 Kessler and Nixon spoke in favor of passage of the bill.

Representative Moeller spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1758.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1758 and the

bill passed the House by the following vote: Yeas - 89, Nays - 6, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Dickerson, Fromhold, Haler, Kirby, McDermott and Moeller - 6.

Excused: Representatives Buck, Curtis and Sump - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1758, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2163, By Representatives Ormsby, Holmquist, Miloscia, Williams, Flannigan, Chase, Dickerson, Sells, Ericks, Dunn, Wood, Green, Linville, Springer, Pettigrew, Kenney, O'Brien, Santos, Kagi, Fromhold and Schual-Berke**

**Establishing a homeless housing program.**

The bill was read the second time.

Representative Sommers moved that Second Substitute House Bill No. 2163 be substituted for House Bill No. 2163 and the second substitute bill be placed on the second reading calendar. The motion was adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 2163 was read the second time.

With the consent of the House, amendments (355) and (362) were withdrawn.

Representative Ormsby moved the adoption of amendment (371):

On page 3, after line 38, insert the following:

"Sec. 5. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

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

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

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

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or deprecation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair

contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests

the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit

service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

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

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist

acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg)(i) Records reflecting communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties and an attorney serving in the capacity of legal advisor for the purpose of rendering or obtaining legal advice, and records prepared by the attorney in furtherance of the rendition of legal advice.

(ii) Records are not exempt from disclosure under this subsection merely because they reflect communications in meetings where legal counsel was present or because a record or

copy of a record was provided to legal counsel, if the elements of (ggg)(i) of this subsection are not met.

This subsection (1)(ggg) governs exemption of records from the provisions of this chapter based on the attorney-client privilege as applied to public agencies and public officials in their official capacities, consistent with the provisions of RCW 5.60.060(2).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Renumber the remaining section consecutively and correct the title.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Ormsby, Miloscia, Morrell and Darneille spoke in favor of passage of the bill.

Representatives Holmquist, Campbell, Alexander, Dunn, Ahern and Clements spoke against the passage of the bill.

#### **POINT OF PARLIAMENTARY INQUIRY**

Representative Holmquist:

#### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding):

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2163.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2163 and the bill passed the House by the following vote: Yeas - 51, Nays - 45, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Upthegrove, Williams, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Takko, Talcott, Tom, Wallace, Walsh and Woods - 45.

Excused: Representatives Buck and Curtis - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 1510, and the bill was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., March 16, 2005, the 66th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk