

SIXTIETH LEGISLATURE - REGULAR SESSION

SIXTY FIFTH DAY

House Chamber, Olympia, Tuesday, March 13, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lauren Hanson and Katy Payne. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Curtis Bidwell, First Baptist Church of Tumwater.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4641, By Representatives Pearson and Kristiansen

WHEREAS, It is the policy of the Washington state Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, High school wrestling has a long tradition of molding the student athlete of today into a leader of tomorrow and embraces the values of team and sacrifice, in addition to pride in the community and self; and

WHEREAS, In an example of excellence and camaraderie, the 2007 Sedro-Woolley High School wrestling team captured a state record-breaking sixth consecutive Class 3A Team State Championship and eleventh overall Team State Championship at the Washington Mat Classic; and

WHEREAS, The 2007 Sedro-Woolley wrestling team has, through great fortitude and ability, finished 13 1/2 points ahead of the nearest competitor, with 154 1/2 points; and

WHEREAS, The 2007 Sedro-Woolley team finished the Washington State Mat Classic with three first place victories; and

WHEREAS, The 2007 Sedro-Woolley High School Wrestling Championship Team members include Derek Crouter, Tyler Eaton, Jordan Frisbee, Derek Garcia, Shane Hunt, Michael Lomsdalen, Trent Morgan, Randal Nersten, Kevin O'Neil, Cody Pohren, Matt Zitkovich, Ryan Morgan, and Ian O'Bryan; and

WHEREAS, The 2007 Sedro-Woolley High School wrestling team was led by Head Coach Jay Breckenridge and Assistant Coaches Jack Hurd and Jaret Garcia; and

WHEREAS, The support and encouragement of families and the spirit shown by the school and the community were an integral part in this championship season;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the outstanding accomplishments of the Sedro-Woolley High School Wrestling Team in their record-breaking state championship season of 2006-2007 and congratulate the team members, coaches, families, students, and community that made such an accomplishment possible; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members and coaches of the Sedro-Woolley High School wrestling team, Sedro-Woolley school district Superintendent Mark Venn, Athletic Director Todd Torgeson, and School Principal Mike Schweigert.

HOUSE RESOLUTION NO. 4641 was adopted.

HOUSE RESOLUTION NO. 2007-4642, By Representative DeBolt

WHEREAS, The Washington State House of Representatives recognizes excellence in all forms of endeavor; and

WHEREAS, The Chehalis W.F. West High School Wrestling Team exhibited excellence in winning the Washington State 2A Wrestling Championship at the Mat Classic XIX in the Tacoma Dome in February 2007; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Coach John Taylor said, "What a great feeling. It's hard to realize what we've done. The guys came ready to wrestle. This morning was big. It was huge. To get five of the six winning and moving on with three to the finals...it was big. We got on that roll and just kept it going"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Members John Capen and Derek Driscoll won individual state championships while four other Bearcats placed to hand W.F. West the team title; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member John Capen captured his first state title, winning the 171-pound championship with a 13-9 win over Burlington-Edison's Kyle Knutson; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member John Capen said, "This is what everybody dreams of...all the way from fourth grade. It might have

looked impossible back then, but I always wanted it. It's as real as it gets right here"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Coach John Taylor said about Team Member John Capen, "It couldn't have happened to a better kid. He's a great kid. He's a hard worker, a guy you can always count on. He's there every day. We're so proud of him"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member Derek Driscoll won his second straight 152-pound state title with a 10-7 victory over Ephrata's Dallas Hintz; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Member Derek Driscoll said, "This was a lot better because we got the state title as a team. This group of seniors has wrestled together since we were just little. All the work coming into this paid off"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Coach John Taylor said about Team Member Derek Driscoll, "Derek is one of the best wrestlers Chehalis has ever had...no doubt"; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Members, Tim Denegar, Kirby White, Kolten DeKoker, and Ryan Apperson also contributed to the success of the Bearcats; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Assistant Coach Lawrence Costa promised the Bearcats that he would shave off the moustache he's been sporting for nearly 30 years if they could somehow bring home the state championship; and

WHEREAS, Chehalis W.F. West High School Wrestling Team Assistant Coach Lawrence Costa said, "I've been part of the program for over 30 years. I wrestled for W.F. West. Early in the year, I made a promise to the kids if we end up winning the state title that I would shave my mustache off. It's kind of a joke, but it's neat for the kids to have something to work for"; and

WHEREAS, The W.F. West wrestling program was coached from 1960 to 1985 by Harry Gust, an inductee into the Washington State Wrestling Coaches Association Hall of Fame, who coached the Bearcats to 218 wins in 25 years and died March 28, 2006; and

WHEREAS, Chehalis W.F. West High School Wrestling Team members, coaches, family, friends, teachers, and neighbors all share in the outstanding success of the Bearcats;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the Chehalis W.F. West High School Wrestling Team Members and Coaches for their exceptional accomplishment in winning the Washington State 2A Wrestling Championship at the Mat Classic XIX in the Tacoma Dome in February 2007; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Bearcats Wrestling Team Coach John Taylor and the Chehalis W.F. West High School Principal Linda Smith.

HOUSE RESOLUTION NO. 4642 was adopted.

HOUSE RESOLUTION NO. 2007-4643, By Representative DeBolt

WHEREAS, The House of Representatives of the state of Washington recognizes excellence in all forms of endeavors; and

WHEREAS, On Saturday, March 3, 2007, the Mossyrock Vikings, lead by coach Gary Stamper, showed excellence by capturing the Class 2B Girls Basketball State Championship; and

WHEREAS, With just 1.9 seconds remaining, Lexi Belcher incredibly made two free throws, as the Mossyrock Vikings battled back from a nine-point halftime deficit to defeat the LaSalle Lightning 47-46 in the state championship game; and

WHEREAS, Four Mossyrock Vikings players scored in double-figures in the Vikings' potent offense, led by 19 points from 5'11" Viking guard Lexi Belcher; and

WHEREAS, As a team the Mossyrock Vikings made nine 3-pointers while the Waterville Shockers shot just 1-9 from a three-point land; and

WHEREAS, Waterville head coach Dick Stoddard said, "That Belcher girl is a player...the most athletic guard we've seen in two years (at the state championships). She's got great body control...she's the total package"; and

WHEREAS, Waterville head coach Dick Stoddard was also impressed with the rest of Mossyrock's core players too, saying, "They've got a well-balanced team...if you left anybody open, they were able to score"; and

WHEREAS, After cutting down the net, Mossyrock guard Sarah Petrino said, "It is a dream come true...we worked our entire lives for this and finally got it"; and

WHEREAS, When the clock ran out the crowd went wild with ecstatic Mossyrock fans chanting, "We're number one! We're number one!"; and

WHEREAS, The Mossyrock High School Vikings Basketball Team members, coaches, family, friends, teachers, and neighbors all share in the outstanding success of the Vikings;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor Mossyrock Vikings Team Members and Coaches for their exceptional accomplishment in winning the Class 2B Girls Basketball State Championship in March 2007; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mossyrock Vikings team coach Gary Stamper and the Mossyrock High School Principal Jim Forrest.

HOUSE RESOLUTION NO. 4643 was adopted.

MESSAGE FROM THE SENATE

March 12, 2007

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5026,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5528,
SENATE BILL NO. 5685,
SENATE BILL NO. 5827,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862,
SECOND SUBSTITUTE SENATE BILL NO. 5883,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF PERSONAL PRIVILEGE

Representative DeBolt

POINT OF PERSONAL PRIVILEGE

Representative Santos

MESSAGE FROM THE SENATE

March 13, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5320,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,
SUBSTITUTE SENATE BILL NO. 5447,
SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5526,
SUBSTITUTE SENATE BILL NO. 5688,
SECOND SUBSTITUTE SENATE BILL NO. 5806,
SENATE BILL NO. 6090,
ENGROSSED SENATE BILL NO. 6128,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

SECOND READING

HOUSE BILL NO. 2087, By Representatives Fromhold, Hinkle, Cody and Moeller

Regarding the certification and recertification of health care facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2087 was substituted for House Bill No. 2087 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2087 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 Fromhold 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. 2087.

MOTIONS

On motion of Representative Morrell, Representative Eickmeyer is excused. On motion of Representative Schindler, Representative Curtis was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2087 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, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood, and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Curtis, and Eickmeyer - 2.

SUBSTITUTE HOUSE BILL NO. 2087, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1139, By Representatives McDermott, McIntire, Springer, Cody, Ericks, Santos, Hasegawa, Simpson, Pettigrew and Kenney

Modifying the provisions of the local sales and use tax that is credited against the state sales and use tax.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1139 was substituted for House Bill No. 1139 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1139 was read the second time.

With the consent of the House, amendment (307) was withdrawn.

Representative Hasegawa moved the adoption of amendment (378):

On page 4, after line 2, insert the following:

"(10) The tax shall cease to be distributed to a city imposing the tax under subsection (3)(b) of this section and any city receiving a twenty percent distribution under subsection (2) of this section, for the remainder of the fiscal year, if the total distributions to the city imposing the tax and any city receiving a twenty percent distribution exceed three million dollars for the fiscal year."

Renumber the remaining subsection consecutively

Representatives Hasegawa 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.

Representatives McDermott and Hunter 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 Substitute House Bill No. 1139.

MOTION

On motion of Representative Santos, Representative Morris was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1139 and the bill passed the House by the following vote: Yeas - 63, Nays - 32, Absent - 0, Excused - 3.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille,

Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Santos, Seaquist, Sells, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Goodman, Hailey, Haler, Hinkle, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Rolfes, Ross, Schindler, Schual-Berke, Simpson, Skinner, Sump, Upthegrove and Warnick - 32.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1267, By Representatives Wallace, Upthegrove, Lovick, Hankins and Dickerson; by request of Department of Licensing

Modifying commercial driver's license requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1267 was substituted for House Bill No. 1267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1267 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 Hunter 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 Substitute House Bill No. 1267.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1267 and the bill passed the House

by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Kessler, Kretz, Kristiansen, Orcutt, Pearson, Sump, Van De Wege and Warnick - 14.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1267, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1376, By Representatives Ericks, Haler, Takko, Pettigrew, Buri, Walsh, Kretz, Grant, Linville, Chandler, Kessler, McDonald, Morrell, Armstrong, Warnick, Newhouse, P. Sullivan and Chase

Providing a sales and use tax exemption for the nonhighway use of propane by farmers.

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 Wallace and Jarrett 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. 1376.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1376 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler,

Hankins, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Anderson, Darneille, Flannigan, Hasegawa, Hudgins, McIntire, Roberts, Rolfes, and Schual-Berke - 9.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

HOUSE BILL NO. 1376, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1488, By Representatives B. Sullivan, Upthegrove, Appleton, Dunshee, Hunt, Dickerson, VanDeWege, Campbell, Kessler, Eickmeyer, McCoy, Chase, Green, Sells, Kenney, Ericks, Roberts, Lantz, Goodman, Wood, Kagi, Moeller and Rolfes

Enhancing the state's oil spill response program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1488 was substituted for House Bill No. 1488 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1488 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, Rolfes, Seaquist and Linville spoke in favor of passage of the bill.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1488.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1488 and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericks, Ericksen, Hailey, Haler, Hankins, Hinkle, Kelley, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner, Sump, Walsh and Warnick - 29.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1488, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1796, By Representatives Conway, Orcutt, Pettigrew, Ericks, Chase, Green, Haler, Dunn, Hankins, Hasegawa, Appleton, Kenney, Santos, VanDeWege, Simpson, Goodman, Morrell and Lantz

Providing a property tax exemption for nonprofit small business incubators.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1796 was substituted for House Bill No. 1796 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1796 was read the second time.

Representative Orcutt moved the adoption of amendment (290):

On page 2, line 14, strike "and"

On page 2, line 16, after "areas" insert "; and

(e) is certified by the department of community, trade and economic development as a "qualified small business incubator" under Chapter 43.176 RCW that meets the requirements of this act"

On page 2, line 24, after "(4)" insert the following: "The department of revenue may revoke a small business incubator's property tax exemption under this section upon clear and convincing evidence that the small business incubator is not complying with the requirements of this section.

(5)"

On page 3, line 4, strike "(5)" and insert "(6)"

Representative 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.

Representatives Conway 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 Engrossed Substitute House Bill No. 1796.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1796 and the bill passed the House by the following vote: Yeas - 77, Nays - 18, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, DeBolt, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 77.

Voting nay: Representatives Anderson, Armstrong, Bailey, Condotta, Crouse, Darneille, Dickerson, Ericksen, Hudgins, Kristiansen, McDonald, Pearson, Priest, Roach, Rodne, Schindler, Strow and Sump - 18.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1833, By Representatives Conway, Pettigrew, Seaquist, Upthegrove, Morrell, Kessler, P. Sullivan, Williams, Kenney, Haler, Ericksen, Moeller, Sells, Dunn, Rolfes, Lantz, McCoy, Lovick, Jarrett, Strow, Hurst, Springer, Campbell, Goodman, Simpson, Pearson, Curtis, Rodne, Schual-Berke, McDermott, Ormsby and Chase

Expanding the presumption of occupational disease for firefighters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1833 was substituted for House Bill No. 1833 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1833 was read the second time.

Representative Condotta moved the adoption of amendment (291):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

(1) By reason of their employment, firefighters are required to work in the midst of, and are subject to, smoke, fumes, infectious diseases, and toxic and hazardous substances;

(2) Firefighters enter uncontrolled environments to save lives, provide emergency medical services, and reduce property damage and are frequently not aware of the potential toxic and carcinogenic substances, and infectious diseases that they may be exposed to;

(3) Harmful effects caused by firefighters' exposure to hazardous substances, whether cancer, infectious disease, heart or respiratory disease, may develop very slowly, manifesting themselves years after exposure;

(4) Firefighters frequently and at unpredictable intervals perform job duties under strenuous physical conditions unique to their employment when engaged in firefighting activities; and

(5) Cardiovascular disease is exacerbated by firefighting duties and firefighting increases the incidence of cardiovascular disease and heart injuries in firefighters.

Sec. 2. RCW 51.32.185 and 2002 c 337 s 2 are each amended to read as follows:

(1) In the case of firefighters as defined in RCW 41.26.030(4) (a), (b), and (c) who are covered under Title 51 RCW and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, there shall exist a prima facie presumption that: (a) Respiratory disease; (b) ~~(heart problems that are experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances)~~ any heart problems, experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion due to firefighting activities; (c) cancer; and (d) infectious diseases are occupational diseases under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumptions established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each

year of requisite service, but may not extend more than sixty months following the last date of employment.

(3) The presumption established in subsection (1)(c) of this section shall only apply to any active or former firefighter who has cancer that develops or manifests itself after the firefighter has served at least ten years and who was given a qualifying medical examination upon becoming a firefighter that showed no evidence of cancer. The presumption within subsection (1)(c) of this section shall only apply to prostate cancer diagnosed prior to the age of fifty, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

(4) The presumption established in subsection (1)(d) of this section shall be extended to any firefighter who has contracted any of the following infectious diseases: Human immunodeficiency virus/acquired immunodeficiency syndrome, all strains of hepatitis, meningococcal meningitis, or mycobacterium tuberculosis.

(5) Beginning July 1, 2003, this section does not apply to a firefighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use. The department, using existing medical research, shall define in rule the extent of tobacco use that shall exclude a firefighter from the provisions of this section.

(6) For purposes of this section, "firefighting activities" means fire suppression, fire prevention, emergency medical services, rescue operations, hazardous materials response, aircraft rescue, and training and other assigned duties related to emergency response.

(7)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(8)(a) If an employer requests reconsideration of a department order allowing benefits under this section and the firefighter's medical provider has made a determination that the firefighter is terminally ill, temporary total disability compensation or medical aid benefits granted to the firefighter by the order under reconsideration must continue while the reconsideration is pending, subject to the requirements of RCW 51.32.240(4).

(b) If an employer appeals to the board of industrial insurance appeals a department order allowing benefits under this section and the firefighter's medical provider has made a determination that the firefighter is terminally ill temporary total disability compensation or medical aid benefits granted to the firefighter by the order under appeal must continue while the appeal is pending, subject to the requirements of RCW 51.32.240(4).

Sec. 3. RCW 51.52.120 and 2003 c 53 s 285 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director or the director's designee for services performed by an attorney for such worker or beneficiary, if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the department is communicated to the party making the application.

(2) If, on appeal to the board, the order, decision, or award of the department is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the board is communicated to the party making the application. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by the director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, worker, or beneficiary. The department or self-insured employer, as the case may be, shall be served a copy of the application and shall be entitled to appear and take part in the proceedings. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board.

(3) In an appeal to the board involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185.

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

Sec. 4. RCW 51.52.130 and 1993 c 122 s 1 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an appeal by the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty-five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before

the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department. In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185."

Correct the title.

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

Representative Condotta 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. 1833.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1833 and the bill passed the House by the following vote: Yeas - 83, Nays - 12, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Buri, Chandler, Condotta, Dunn, Hailey, Hinkle, Kretz, Newhouse, Ross, Sump and Warnick - 12.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1891, By Representatives Linville, Orcutt, Quall, Cody, Hinkle, Hurst and Dunn

Providing a business and occupation tax deduction for the sale of certain prescription drugs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1891 was substituted for House Bill No. 1891 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1891 was read the second time.

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

Representatives Linville, Orcutt and Hunter 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. 1891.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1891 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 1891, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1980, By Representatives Kelley, Santos, Ormsby, Roach and Morrell

Regarding the financial literacy public-private partnership.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1980 was substituted for House Bill No. 1980 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1980 was read the second time.

With the consent of the House, amendment (264) was withdrawn.

Representative Bailey moved the adoption of amendment (173):

On page 3, beginning on line 25, strike all of section 5

Correct the title.

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

Representative Santos spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Kelley 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 Second Substitute House Bill No. 1980.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1980 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

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

Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representative Schual-Berke - 1.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1980, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2338, By Representatives Fromhold and Kenney

Terminating the job development fund program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2338 was substituted for House Bill No. 2338 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2338 was read the second time.

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

Representatives Ericks, McDonald and Fromhold 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. 2338.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2338 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta,

Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 2338, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2352, By Representatives Grant, Linville, Simpson and Bailey

Exempting persons engaged in farming and certain farming services from business and occupation taxation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2352 was substituted for House Bill No. 2352 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2352 was read the second time.

With the consent of the House, amendment (162) was withdrawn.

Representative Grant moved the adoption of amendment (350):

On page 1, beginning on line 9, after "farmer" strike all material through "related" on line 11 and insert ". To qualify under this subsection (1)(a):

(i) The person performing custom farming services must be: (A) a farmer; or (B) owned by a farmer who has at least a fifty percent interest in the person performing custom farming services; and

(ii) The principal place of business of the person performing custom farming services must be within fifty miles of the farmer receiving custom farming services"

Representatives Grant 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.

Representatives Grant 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 Engrossed Substitute House Bill No. 2352.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2352 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Chase, Darneille, Hasegawa and Rolfes - 5.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1809, By Representatives Morrell, Campbell, Green, Kenney, Cody, Darneille, Hunt, Conway, Williams, Simpson, Moeller, Santos and Wood

Creating the Washington state patient safety act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1809 was substituted for House Bill No. 1809 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1809 was read the second time.

With the consent of the House, amendment (162) was withdrawn.

Representative Morrell moved the adoption of amendment (339):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Research demonstrates the critical role that registered nurses play in improving patient safety and quality of care;

(b) Greater numbers of registered nurses available to care for hospitalized patients are key to reducing errors, complications, and adverse patient care events;

(c) Higher nurse staffing levels result in improved staff safety and satisfaction and reduced incidences of workplace injuries;

(d) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care; and

(e) Addressing nurse staffing issues to meet patient care needs is an urgent public policy priority.

(2) Therefore, in order to protect patients and to support greater retention of registered nurses, to promote evidence-based nurse staffing, and to increase transparency of health care data and decision making, the legislature intends to establish a program for the development of evidence-based hospital staffing plans.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) DEFINITIONS. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Central nursing resource center" means the center established in RCW 18.79.202.

(b) "Hospital" has the same meaning as defined in RCW 70.41.020, except that "hospital" also includes the state hospitals as defined in RCW 72.23.010 and the psychiatric hospitals licensed under chapter 71.12 RCW.

(c) "Intensity" means the level of patient needs in terms of nursing care as determined by a registered nurse providing direct patient care, taking into account at least the following factors:

(i) Severity and urgency of the patient's condition;

(ii) Complexity of either planning or providing, or both, the care required by the patient;

(iii) Scheduled or anticipated procedures or events, including those that necessitate increased frequency of assessment or intervention;

(iv) Age and cognitive and functional ability of the patient, including ability to perform self-care activities;

(v) Availability of patient social supports including institutional, family, or community support;

(vi) Level of patient adherence or ability to comply with patient care;

(vii) Patient and family educational needs, including assessment of learning capabilities of patient and family;

(viii) Intactness of family unit, the availability of family to provide either emotional support or functional support, or both, and the ability of the family to participate in patient decision-making processes;

(ix) Communications skills of the patient; and

(x) Other needs identified by the patient and by the registered nurse.

(d) "Nursing personnel" means registered nurses, licensed practical nurses, and unlicensed assistive nursing personnel providing direct patient care.

(e) "Patient assignment standards" means the maximum number of patients that a hospital may assign to a registered nurse at any one time.

(f) "Patient care unit" means any unit or area of the hospital that provides patient care.

(g) "Skill mix" means the numbers and relative percentages of registered nurses, licensed practical nurses, and unlicensed assistive personnel among the total number of nursing personnel.

(h) "Staffing committee" means the committee established by a hospital under subsection (2) of this section.

(2) HOSPITAL STAFFING COMMITTEES. (a) By January 1, 2008, each hospital shall establish a staffing committee. At least one-half of the staffing committee members must be registered nurses currently providing direct patient care, unless another ratio of registered nurse members is required to be consistent with an applicable provision of a collective bargaining agreement between the hospital and its nursing staff. If registered nurses are represented by a collective bargaining representative, the committee's direct patient care registered nurse members must be selected by that collective bargaining representative.

(b) Participation in the staffing committee by a hospital employee shall be considered a part of the employee's regularly scheduled workweek.

(3) PATIENT ASSIGNMENT STANDARDS RECOMMENDATION. (a) By June 1, 2008, the central nursing resource center must forward recommendations to the department as required in this subsection. The recommendations must be evidence-based and must be developed by a task force convened by the central nursing resource center. Among its members, the task force must include representatives of organizations that represent hospitals, including rural hospitals. The recommendations must address:

(i) Patient assignment standards in hospitals; and
(ii) The development and implementation of hospital staffing plans, as the secretary may request.

(b) In developing its recommendations, the task force must consider:

(i) Current research findings regarding patient safety, outcomes of care, nurse staffing, and related areas;

(ii) Reports and recommendations issued by authoritative national and state bodies and agencies, including but not limited to the institute of medicine, the joint commission, the national quality forum, and the agency for healthcare research and quality;

(iii) Guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;

(iv) Relevant information regarding legislation or rules on nurse staffing considered or adopted in other states;

(v) Different levels of intensity, complexity, or need presented by patients in different types of patient care units; and

(vi) Availability of health care professional, technical, and support staff whose skills and services are essential to delivering quality patient care.

(c) The department must post the recommendations forwarded by the central nursing resource center on its web site and allow at least a thirty-day public comment period. By July 15, 2008, the

department must publish final recommendations, to be posted on the department's web site and provided to the hospitals.

(d) On a biennial basis, a task force convened by the central nursing resource center pursuant to (a) of this subsection must review the considerations listed in (b) of this subsection and determine whether the final recommendations published under this subsection should be updated. New recommendations, if any, developed by the task force and forwarded to the department by the central nursing resource center must be posted for public comment as provided in (c) of this subsection, and the department must publish final recommendations within forty-five days of posting the central nursing resource center's recommendations.

(4) HOSPITAL STAFFING PLANS. (a)(i) By January 1, 2009, each hospital's staffing committee must develop, and the hospital implement, a staffing plan that sets the minimum number and skill mix of nursing personnel required on each shift in each patient care unit.

(ii) In establishing staffing levels for the staffing plan, the staffing committee must consider the patient assignment standards recommended in the final recommendations published under subsection (3) of this section. If the staffing plan adopts staffing levels that provide lower staffing than the final recommendations published under subsection (3) of this section, the staffing plan must include an explanation of the reasons for the deviation.

(iii) Staffing plans must be based on at least the following additional criteria for each patient care unit:

(A) Census, including total numbers of patients on each shift at any one time and activity such as patient discharges, admissions, and transfers;

(B) Level of intensity of all patients and nature of the care to be delivered on each shift;

(C) Skill mix;

(D) Level of experience and specialty certification or training of nursing personnel providing care;

(E) The need for specialized or intensive equipment;

(F) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing station, medication preparation areas, and equipment; and

(G) Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations.

(iv) Staffing plans must at a minimum:

(A) Include appropriate limits on the use of agency and traveling nurses;

(B) Be consistent with the scopes of practice for registered nurses and licensed practical nurses and the scope of legally permissible duties of unlicensed assistive personnel;

(C) Include adequate staffing to allow for staff time off, illnesses, meal and break time, and educational, health, and other leaves;

(D) Include a process for review by the staffing committee that ensures compliance with the staffing plan, provides for the committee's review of incidents and staff concerns, and tracks staffing patterns, the number of patients and the patients' conditions, and the intensity of the patients' nursing care needs. These reviews must be performed at least semiannually; and

(E) Be updated at least annually.

(v) The staffing plan must not diminish other standards contained in law, rules, or the terms of an applicable collective bargaining agreement, if any, between the hospital and its nursing staff, and must be consistent with any such agreement.

(b) In implementing the staffing plan, each hospital shall:

(i) Assign nursing personnel to each patient care unit in accordance with its staffing plan. Shift-to-shift adjustments in staffing levels required by the plan may be made only if based upon assessment by a registered nurse providing direct patient care on the patient care unit, utilizing procedures specified by the staffing committee;

(ii) Make readily available the staffing plan and staffing levels to patients and visitors upon request; and

(iii) Make accessible to staff a process for reporting inadequate staffing or staffing at variance with the staffing plan. Any reports made under this subsection must be provided to the staffing committee and the hospital and be retained by the hospital for department review under subsection (5) of this section.

(5) HOSPITAL STAFFING PLAN REVIEW AND PUBLICATION. (a) Each hospital shall submit its staffing plan and any reports made under subsection (4)(b)(iii) for review by the department at least every eighteen months, which review may be in conjunction with any on-site licensing survey or inspection conducted by the department. The hospital may also submit any additional information related to staffing, including explanations of any staffing at variance with the adopted staffing plan and actions taken to resolve staffing issues.

(b) In collaboration with Washington state quality forum established in section 5, chapter . . . (House Bill No. 2098), Laws of 2007, the department must develop standards for comparing hospital staffing plans, and each hospital's adherence to its staffing plan in practice, with the final recommendations published under subsection (3) of this section. The department must rate the staffing plans according to the standards and provide the ratings to the Washington state quality forum to be disseminated, at a minimum, on its web site as part of its research regarding health care quality, evidence-based medicine, and patient safety. If the Washington state quality forum is not established, the department shall perform the duties required under this section and post the staffing plan information on its web site.

(6) HOSPITAL STAFFING REPORTS. (a) Semiannually, hospitals shall collect and submit to the department information regarding nurse staffing. In addition to the skill mix of registered nurses, licensed practical nurses, unlicensed assistive nursing personnel, nurses supplied by temporary staffing agencies including traveling nurses, and nursing care hours per patient per day, such information must also include:

(i) Death among surgical inpatients with treatable serious complications (failure to rescue);

(ii) Prevalence of urinary tract infections;

(iii) Hospital-acquired pneumonia;

(iv) Incidence of patient falls; and

(v) Other measures to be established by the department.

(b) The information submitted under this subsection must be posted along with the ratings of staffing plans as provided in subsection (5)(b) of this section.

(7) RETALIATION PROHIBITED. A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with participation on the staffing committee; or

(b) An employee, patient, or other individual who notifies the staffing committee, the hospital administration, or the department that any schedule or nursing personnel assignment fails to comply with the staffing plan, or that the hospital has failed to develop or implement a staffing plan.

(8) COMPLAINTS. (a) The department must investigate complaints from hospital staff that a hospital has failed to comply with a staffing plan, has failed to develop or implement a staffing plan, or has violated subsection (7) of this section. If there is reasonable cause to believe that a violation has been or is occurring, the department must immediately endeavor to eliminate the violation by conference with the interested parties. If a resolution is not reached, the department must make a finding to that effect. Such findings must be posted along with the ratings of staffing plans as provided in subsection (5)(b) of this section.

(b) The department shall maintain a toll-free telephone number for patients to use to report the violations listed in (a) of this subsection. The department is not required to investigate such patient reports, but must disclose the report to the hospital and the hospital's staffing committee. In disclosing the report, the department shall not reveal identifying information about the patient.

(c) Information about complaints or reports under this subsection that does not warrant an investigation may not be disclosed except that the department must notify the hospital and the complainant when a complaint did not warrant an investigation.

Sec. 3. RCW 70.56.020 and 2006 c 8 s 106 are each amended to read as follows:

(1) The legislature intends to establish an adverse health events and incident reporting system that is designed to facilitate quality improvement in the health care system, improve patient safety and decrease medical errors in a nonpunitive manner. The reporting system shall not be designed to punish errors by health care practitioners or health care facility employees.

(2) Each medical facility shall notify the department of health regarding the occurrence of any adverse event and file a subsequent report as provided in this section. Notification must be submitted to the department within forty-eight hours of confirmation by the medical facility that an adverse event has occurred. A subsequent report must be submitted to the department within forty-five days after confirmation by the medical facility that an adverse event has occurred. The notification and report shall be submitted to the department using the internet-based system established under RCW 70.56.040(2).

(3) The notification and report shall be filed in a format specified by the department after consultation with medical facilities and the independent entity. The format shall identify the facility, but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department of health or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180. As soon as possible, but no later than July 1, 2008, hospitals shall revise their incident reporting procedures to include an evaluation of staffing as part of the incident review process. Hospitals shall also modify their incident form to include an area for the documentation of staffing considerations.

(4)(a) As part of the report filed under this section, the medical facility must:

(i) Include the following information:

(A) The number of patients, registered nurses, licensed practical nurses, and unlicensed assistive personnel present in the relevant patient care unit at the time that the reported adverse event occurred;

(B) The number of nursing personnel present at the time of the adverse event who have been supplied by temporary staffing agencies, including traveling nurses;

(C) The number of nursing personnel, if any, on the patient care unit working beyond their regularly scheduled number of hours or shifts at the time of the event and the number of consecutive hours worked by each such nursing personnel at the time of the adverse event; and

(ii) Conduct a root cause analysis of the event, describe the corrective action plan that will be implemented consistent with the findings of the analysis, or provide an explanation of any reasons for not taking corrective action. Hospitals shall consider staffing as a possible factor contributing to reportable incidents. Staffing considerations may include such factors as fatigue, training, communication, and adequacy.

(b) The department shall adopt rules, in consultation with medical facilities and the independent entity, related to the form and content of the root cause analysis and corrective action plan. In developing the rules, consideration shall be given to existing standards for root cause analysis or corrective action plans adopted by the joint commission on accreditation of health facilities and other national or governmental entities.

(c) For purposes of this subsection (4), "nursing personnel" and "patient care unit" have the same meaning as defined in section 2 of this act.

(5) If, in the course of investigating a complaint received from an employee of a medical facility, the department determines that the facility has not reported an adverse event or undertaken efforts to investigate the occurrence of an adverse event, the department shall direct the facility to report or to undertake an investigation of the event.

(6) The protections of RCW 43.70.075 apply to reports of adverse events that are submitted in good faith by employees of medical facilities.

Sec. 4. RCW 18.79.202 and 2005 c 268 s 4 are each amended to read as follows:

(1) In addition to the licensing fee for registered nurses and licensed practical nurses licensed under this chapter, the department shall impose an additional surcharge of five dollars per year on all initial licenses and renewal licenses for registered nurses and licensed practical nurses issued under this chapter. Advanced registered nurse practitioners are only required to pay the surcharge on their registered nurse licenses.

(2) The department, in consultation with the commission and the workforce training and education coordinating board, shall use the proceeds from the surcharge imposed under subsection (1) of this section to provide grants to a central nursing resource center. The grants may be awarded only to a not-for-profit central nursing resource center that is comprised of and led by nurses. The central nursing resource center will demonstrate coordination with relevant nursing constituents including professional nursing organizations, groups representing nursing educators, staff nurses, nurse managers or executives, and labor organizations representing nurses. The central nursing resource center shall have as its mission to contribute to the health and wellness of Washington state residents by ensuring that there is an adequate nursing workforce to meet the current and future health care needs of the citizens of the state of Washington. The grants may be used to fund the following activities of the central nursing resource center:

(a) Maintain information on the current and projected supply and demand of nurses through the collection and analysis of data regarding the nursing workforce, including but not limited to education level, race and ethnicity, employment settings, nursing positions, reasons for leaving the nursing profession, and those

leaving Washington state to practice elsewhere. This data collection and analysis must complement other state activities to produce data on the nursing workforce and the central nursing resource center shall work collaboratively with other entities in the data collection to ensure coordination and avoid duplication of efforts;

(b) Monitor and validate trends in the applicant pool for programs in nursing. The central nursing resource center must work with nursing leaders to identify approaches to address issues arising related to the trends identified, and collect information on other states' approaches to addressing these issues;

(c) Facilitate partnerships between the nursing community and other health care providers, licensing authority, business and industry, consumers, legislators, and educators to achieve policy consensus, promote diversity within the profession, and enhance nursing career mobility and nursing leadership development;

(d) Evaluate the effectiveness of nursing education and articulation among programs to increase access to nursing education and enhance career mobility, especially for populations that are underrepresented in the nursing profession;

(e) Provide consultation, technical assistance, data, and information related to Washington state and national nursing resources;

(f) Promote strategies to enhance patient safety and quality patient care, including encouraging a safe and healthy workplace environment for nurses and making recommendations pursuant to section 2 of this act; and

(g) Educate the public including students in K-12 about opportunities and careers in nursing.

(3) The nursing resource center account is created in the custody of the state treasurer. All receipts from the surcharge in subsection (1) of this section must be deposited in the account. Expenditures from the account may be used only for grants to an organization to conduct the specific activities listed in subsection (2) of this section and to compensate the department for the reasonable costs associated with the collection and distribution of the surcharge and the administration of the grant provided for in subsection (2) of this section. No money from this account may be used by the recipient towards administrative costs of the central nursing resource center not associated with the specific activities listed in subsection (2) of this section. No money from this account may be used by the recipient toward lobbying. Only the secretary or the secretary'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. Grants will be awarded on an annual basis and funds will be distributed quarterly. The first distribution after awarding the first grant shall be made no later than six months after July 24, 2005. The central nursing resource center shall report to the department on meeting the grant objectives annually.

(4) The central nursing resource center shall submit a report of all progress, collaboration with other organizations and government entities, and activities conducted by the center to the relevant committees of the legislature by November 30, 2011. The department shall conduct a review of the program to collect funds to support the activities of a nursing resource center and make recommendations on the effectiveness of the program and whether it should continue. The review shall be paid for with funds from the nursing resource center account. The review must be completed by June 30, 2012.

(5) The department may adopt rules as necessary to implement chapter 268, Laws of 2005.

NEW SECTION. Sec. 5. A new section is added to chapter 71.12 RCW to read as follows:

Establishments licensed under this chapter shall establish a staffing committee and implement a staffing plan as required under section 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 72.23 RCW to read as follows:

State hospitals shall establish a staffing committee and implement a staffing plan as required under section 2 of this act.

NEW SECTION. Sec. 7. Section 4 of this act expires June 30, 2013.

NEW SECTION. Sec. 8. This act may be known and cited as the Washington state patient safety act."

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

Representative Hinkle 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. 1809.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1809 and the bill passed the House by the following vote: Yeas - 70, Nays - 25, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buri, Chandler, Condotta, DeBolt, Dunn,

Ericksen, Hailey, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schual-Berke, Springer, Strow, Sump, Walsh and Warnick - 25.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1825, By Representatives Schual-Berke, Curtis, Dunshee, Moeller, Lovick, Morrell, Seaquist, McCoy, Clibborn, Barlow, Green, Appleton, Pedersen, Darneille, P. Sullivan, Kenney, Rolfes, Simpson, McIntire, Roberts, Ormsby and Chase

Providing dedicated funding for public health services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1825 was substituted for House Bill No. 1825 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1825 was read the second time.

With the consent of the House, amendment (354) was withdrawn.

Representative Schual-Berke moved the adoption of amendment (328):

On page 2, after line 16, insert the following:

"**Sec. 2.** RCW 82.24.020 and 2003 c 114 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette. Amounts appropriated for the purposes of this act from the receipts of this tax in the operating budget must be deposited into the local public health financing account created in section 3 of this act.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of five and one-fourth mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-

half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held."

Re-number remaining sections consecutively and correct internal references accordingly. Correct the title.

On page 2, line 21, after "(a)" strike all material through "amount" and insert ""Base year funding" means the 2007 budgeted amount of local funding"

On page 3, line 15, after "budget" insert "from the receipts of the tax in RCW 82.24.020(1)"

On page 3, line 19, after "section" insert ", except for such moneys appropriated to the department of health for the purpose of conducting its responsibilities under sections 3, 4, and 6 of this act"

On page 3, line 20, after "(3)" strike "Beginning January 1, 2008, and on the first business day" and insert "During the month of January 2008, and during the month"

On page 3, line 26, after "(4)" strike "Beginning January 1, 2008, and on the first business day" and insert "During the month of January 2008, and during the first month"

On page 4, line 11, after "exceeded" strike all material through "base year" on line 13 and insert "base year funding"

On page 4, line 18, after "year" insert "funding"

On page 4, line 26, after "year" insert "funding"

On page 5, line 29, after "adopt a" insert "prioritized"

On page 6, line 4, after "by the" insert "prioritized"

On page 6, after line 5, insert "(5) The department, in consultation with representatives of county governments, shall provide local jurisdictions with financial incentives to encourage and increase local investments in core public health functions. The local jurisdictions shall not supplant existing local funding with such state-incented resources."

Correct the title.

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

The amendment was adopted.

Representative Alexander moved the adoption of amendment (383):

On page 2, after line 16, insert the following:

"Sec. 2. RCW 82.24.020 and 2003 c 114 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette. An amount of the proceeds equal to the rate of five mills per cigarette shall be deposited into the local public health financing account created in section 3 of this act.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of five and one-fourth mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held."

Re-number remaining sections consecutively and correct internal references accordingly. Correct the title.

On page 3, line 15, after "treasury." strike all material through "this account" on line 17 and insert "A portion of the proceeds from taxes on cigarettes must be deposited into the account, as provided in RCW 82.24.020(1). Money in the account may be spent only after appropriation"

Representatives Alexander, Alexander (again), Buri and Hinkle spoke in favor of the adoption of the amendment.

Representatives Sommers and Schual-Berke spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 41 - YEAS; 54 -NAYS.

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 Schual-Berke, Hinkle, Moeller, Alexander and Sequest 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 Second Substitute House Bill No. 1825.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1825 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Excused: Representatives Curtis, Eickmeyer and Morris - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1825, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 2382 by Representative Fromhold

AN ACT Relating to state trust lands; amending RCW 79.13.010, 79.13.060, 79.13.110, and 79.17.200; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

SB 5011 by Senators Kohl-Welles, Parlette, Keiser and Rasmussen

AN ACT Relating to removing the expiration date on chapter 302, Laws of 2006; and amending 2006 c 302 s 14 (uncodified).

Referred to Committee on Commerce & Labor.

SSB 5053 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles and Kline)

AN ACT Relating to creating the office of the ombudsman for workers of industrial insurance self-insured employers; amending RCW 51.44.150; and adding new sections to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

E2SSB 5070 by Senate Committee on Ways & Means (originally sponsored by Senators Carrell, Regala, Hargrove, Kline, Weinstein, Stevens, Brandland, Parlette, McCaslin, Kastama, Holmquist, Zarelli, Pridemore, Schoesler, Clements, Rasmussen, Swecker, Roach, Franklin, Delvin, Sheldon, Eide, Spanel, Hewitt, Hatfield, Keiser, Pflug, McAuliffe, Berkey, Haugen, Fairley, Murray, Tom, Kohl-Welles, Shin and Kilmer)

AN ACT Relating to reduction of offender recidivism; amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.737, 9.94A.850, 72.09.460, 72.09.480, 72.09.450, 72.09.111, 29A.04.079, 29A.08.520, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; adding new sections to chapter 4.24 RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new sections; repealing RCW 10.64.021 and 29A.08.660; and providing expiration dates.

Referred to Committee on Human Services.

E2SSB 5115 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Kastama, Kauffman, Marr, Shin, Eide, Rasmussen and Regala; by request of Governor Gregoire)

AN ACT Relating to expanding competitive local infrastructure financing tools projects; amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.070, 39.102.090, 39.102.110, 39.102.120, 82.14.475, 39.102.140, 39.102.150, and 39.102.130; adding new sections to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

2SSB 5122 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Swecker; by request of Office of Financial Management)

AN ACT Relating to preserving the current regulatory assistance program with cost reimbursement changes; amending RCW 43.42.005, 43.42.010, 43.42.020, 43.42.030, 43.42.040, 43.42.050, 43.42.060, 43.42.070, 43.42.080, 43.21A.690, 43.30.490, 43.70.630, 43.300.080, 70.94.085, 43.131.401, and 43.131.402; creating a new section; decodifying RCW 43.42.905; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SB 5123 by Senators Hobbs, Kilmer, Roach, Jacobsen, Shin, Fairley, Marr, Prentice, Carrell, Murray, Rasmussen, Keiser, Berkey, Haugen, Franklin, Hatfield, Eide, Kauffman, Fraser and McAuliffe

AN ACT Relating to protecting persons with veteran or military status from discrimination; and amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on State Government & Tribal Affairs.

ESSB 5317 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland, Hargrove, Stevens, Regala and McAuliffe)

AN ACT Relating to child care safety; amending RCW 43.215.005, 43.215.010, 43.215.200, 43.215.525, 43.215.530, and 43.215.535; adding new sections to chapter 43.215 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Early Learning & Children's Services.

ESSB 5372 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray; by request of Governor Gregoire)

AN ACT Relating to the Puget Sound partnership; amending RCW 90.71.060, 90.71.100, 43.17.010, 43.17.020, 42.17.2401, 77.85.090, 43.155.020, 43.155.070, 70.146.020, 70.146.070, and 90.50A.010; adding new sections to chapter 90.71 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.50A RCW; adding a new section to chapter 70.118 RCW; creating new sections; recodifying RCW 90.71.100; decodifying RCW 90.71.005, 90.71.902, and 90.71.903; repealing RCW 90.71.010, 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.070, 90.71.080, 90.71.900, and 90.71.901; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Select Committee on Puget Sound.

SB 5383 by Senators Hargrove, Poulsen, Hatfield, Rockefeller, Rasmussen and Kohl-Welles

AN ACT Relating to the energy freedom program; amending RCW 15.110.005, 15.110.010, 15.110.020, and 15.110.040; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

SB 5421 by Senators Fraser, Morton, Poulsen, Swecker, Marr, Regala, Rockefeller, Pridemore, Oemig, Honeyford, Rasmussen, Shin, Kohl-Welles and Kline

AN ACT Relating to environmental covenants; amending RCW 35.21.755, 69.50.511, 70.105D.020, 70.105D.030, and 70.105D.060; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

SSB 5443 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles and Keiser; by request of Department of Labor & Industries)

AN ACT Relating to the suppression of workers' compensation claims; amending RCW 51.28.010, 51.28.025, and 51.28.050; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5533 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Pflug, Hargrove, Kline, Swecker, Delvin, Stevens, Holmquist, Parlette and Hewitt)

AN ACT Relating to procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior; amending RCW 71.05.020, 71.05.150, 71.05.157, 49.19.010, 71.34.600, 71.24.035, 71.05.160, and 71.05.360; reenacting and amending RCW 71.05.390; adding a new section to chapter 10.31 RCW; adding new sections to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; creating new sections; and repealing RCW 10.77.090.

Referred to Committee on Human Services.

SB 5572 by Senators Murray and Weinstein

AN ACT Relating to excise tax relief for certain limited purpose public corporations, commissions, and authorities; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

SB 5607 by Senator Pridemore

AN ACT Relating to exempting historical property owned by the United States government from leasehold excise taxation; and reenacting and amending RCW 82.29A.130.

Referred to Committee on Finance.

SB 5640 by Senators Kauffman, Fairley, Prentice, Swecker, Rockefeller, Fraser, Kohl-Welles, Shin, Rasmussen and Kline; by request of Health Care Authority

AN ACT Relating to authorizing tribal governments to participate in public employees' benefits board programs; amending RCW 41.05.011, 41.05.021, 41.05.050, 41.05.065, 41.05.080, and 41.05.195; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

ESB 5675 by Senators Franklin, Kohl-Welles, Keiser, Murray and Kline

AN ACT Relating to increasing minimum industrial insurance benefits; amending RCW 51.32.050 and 51.32.060;

reenacting and amending RCW 51.32.090; and providing an effective date.

Referred to Committee on Commerce & Labor.

SSB 5676 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles, Murray, Prentice, Hatfield and Kline)

AN ACT Relating to temporary total disability; and reenacting and amending RCW 51.32.090.

Referred to Committee on Commerce & Labor.

SB 5711 by Senators Parlette, Delvin and Shin

AN ACT Relating to the offender score for offenses concerning the influence of intoxicating liquor or any drug; reenacting and amending RCW 9.94A.525; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 5720 by Senate Committee on Judiciary (originally sponsored by Senator Marr)

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on State Government & Tribal Affairs.

SSB 5721 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senator Kohl-Welles)

AN ACT Relating to allowing for financial arrangements between the holders of a sports/entertainment facility and manufacturers, importers, and distributors; reenacting and amending RCW 66.28.010; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5732 by Senators Fraser, Swecker, Fairley, Haugen and Clements

AN ACT Relating to restrictions on the county treasurer regarding receipting current year taxes; and amending RCW 84.56.010 and 84.56.020.

Referred to Committee on Local Government.

SSB 5733 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Stevens and Jacobsen)

AN ACT Relating to flood protection; and amending RCW 77.55.021.

Referred to Committee on Agriculture & Natural Resources.

ESB 5738 by Senators Oemig and Swecker; by request of Secretary of State

AN ACT Relating to administering elections by mail; amending RCW 29A.44.090; and reenacting and amending RCW 29A.40.110 and 29A.60.165.

Referred to Committee on State Government & Tribal Affairs.

SSB 5839 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Benton, Stevens and Hargrove)

AN ACT Relating to nonmandatory reports of child abuse or neglect; amending RCW 26.44.060; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Early Learning & Children's Services.

SSB 5881 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Delvin, Regala and Fraser; by request of Department of Ecology)

AN ACT Relating to water power license fees; and amending RCW 90.16.050 and 90.16.090.

Referred to Committee on Agriculture & Natural Resources.

SSB 5895 by Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Fraser, Swecker, Tom, Shin, Kline, McCaslin, Kilmer, Jacobsen, Delvin and Honeyford)

AN ACT Relating to seller disclosure of information concerning residential real property; amending RCW 64.06.005, 64.06.010, and 64.06.020; adding a new section to chapter 64.06 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 5898 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored

by Senators Kohl-Welles, Clements, Keiser, Murray, McAuliffe and Honeyford)

AN ACT Relating to the use of a common carrier for the shipment of wine; and amending RCW 66.24.206 and 66.24.170.

Referred to Committee on Commerce & Labor.

SB 5902 by Senators Prentice, Kohl-Welles, Delvin and Kline

AN ACT Relating to requiring additional state liquor stores to engage in Sunday sales; amending RCW 66.08.166 and 66.08.190; and adding a new section to chapter 43.110 RCW.

Referred to Committee on Commerce & Labor.

ESSB 5915 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Honeyford, Clements, Kohl-Welles and Roach)

AN ACT Relating to unemployment and industrial insurance notices required to be posted by employers; amending RCW 51.28.020; adding a new section to chapter 50.12 RCW; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce & Labor.

SB 5926 by Senators Kohl-Welles, Clements, Kastama, Weinstein, Fairley, Keiser, Marr, Tom, Murray, Oemig, Sheldon and Kline

AN ACT Relating to creating a joint legislative task force to review the underground economy in the construction industry; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5953 by Senators Eide, Stevens, Delvin, Regala, Sheldon, Benton, Marr, Shin, Rasmussen and Holmquist; by request of Attorney General

AN ACT Relating to penalties for acts of violence by strangulation; amending RCW 9A.36.021 and 9A.04.110; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5987 by Senate Committee on Judiciary (originally sponsored by Senators Clements, Carrell, Marr,

Holmquist, Schoesler and Rasmussen; by request of Attorney General)

AN ACT Relating to gang-related offenses; and creating new sections.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 6001 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Pridemore, Poulsen, Rockefeller, Brown, Eide, Oemig, Hargrove, Marr, Fraser, Kohl-Welles, Keiser, Regala, Franklin, Fairley, Jacobsen, Shin, Haugen, Berkey, Spanel, Kline and Weinstein)

AN ACT Relating to mitigating the impacts of climate change; adding a new section to chapter 43.19 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 54.04 RCW; adding new chapters to Title 43 RCW; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

E2SSB 6117 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline)

AN ACT Relating to reclaimed water; amending RCW 90.46.005, 90.46.120, 90.46.130, 90.82.043, 90.54.020, and 90.54.180; amending 2006 c 279 s 3 (uncodified); adding a new section to chapter 58.17 RCW; adding new sections to chapter 90.46 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

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

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

There being no objection, the Committee on Housing was relieved of further consideration on SUBSTITUTE SENATE BILL NO. 5895, and the bill was referred to the Committee on Commerce and Labor.

MESSAGE FROM THE SENATE

March 13, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5224,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5339,
SECOND SUBSTITUTE SENATE BILL NO. 5467,
SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 5566,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5726,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5797,
SENATE BILL NO. 5879,
SENATE BILL NO. 6075,
SUBSTITUTE SENATE BILL NO. 6081,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

SECOND READING

HOUSE BILL NO. 1289, By Representatives Clibborn, Campbell, VanDeWege, Dickerson, Moeller and Morrell; by request of Department of Licensing

Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1289 was substituted for House Bill No. 1289 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1289 was read the second time.

Representative VanDeWege moved the adoption of amendment (395):

On page 2, after line 36, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 46.20 RCW to read as follows:

The department shall develop and implement a statewide education campaign to educate Washington citizens about the border crossing initiative authorized by this act. The educational campaign must include information on the forms of travel for which the existing and enhanced driver's license can be used. The campaign must include information on the time frames for implementation of laws that impact identification requirements at the border with Canada."

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

Representatives VanDeWege and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (238) was withdrawn.

Representative Buri moved the adoption of amendment (271):

On page 3, beginning on line 5, strike all of section 3

Correct the title.

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

Representative Clibborn 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 Clibborn, Jarrett, Dunshee, Linville, Kristiansen 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 Engrossed Substitute House Bill No. 1289.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1289 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, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Kessler and Van De Wege - 2.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1249, By Representatives Blake, Kretz, Orcutt, Takko and Haigh

Authorizing a one-year deferral of hunter education training.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1249 was substituted for House Bill No. 1249 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1249 was read the second time.

Representative Orcutt moved the adoption of amendment (062):

On page 2, line 12, after "commission" strike "may" and insert "shall"

On page 2, line 13, after "subsection" insert "to avoid potential fraud and abuse"

On page 3, line 29, after "department" strike "shall" and insert "may"

On page 3, line 30, after "tags and" insert "may"

On page 3, line 30, after "suspension of" insert "one or"

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

Representative Blake spoke against 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 Blake 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 Engrossed Substitute House Bill No. 1249.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1249 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

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

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1383, By Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos

Regulating body piercing.

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 Appleton and Curtis 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. 1383.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1383 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey,

Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Anderson, DeBolt and Dunn - 3.

Excused: Representatives Eickmeyer and Morris - 2.

HOUSE BILL NO. 1383, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1688, By Representatives Newhouse, Grant and Morrell

Concerning the marketing of fruits and vegetables.

The bill was read the second time.

Representative Hunt moved the adoption of amendment (332):

On page 2, line 17, after "under" strike all material through "RCW" on line 18 and insert "RCW 15.17.140(2) and 15.17.143 for certificates of compliance"

Representatives Hunt and Chandler 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 Hunt 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. 1688.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1688 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

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

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

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 1688, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1858, By Representatives Fromhold, Curtis, Clibborn, Jarrett, Simpson, Springer and Moeller

Regarding the imposition of fees by transportation benefit districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1858 was substituted for House Bill No. 1858 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1858 was read the second time.

Representative Appleton moved the adoption of amendment (054):

On page 2, line 13, strike "improvement" and insert "vehicle fee"

On page 3, line 15, strike "improvement" and insert "vehicle fee"

Representatives Appleton and Jarrett 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 Fromhold, Curtis, Springer and Jarrett spoke in favor of passage of the bill.

Representative Roach, Anderson, Schindler and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1858.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1858 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Bailey, Barlow, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Walsh, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Blake, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Eddy, Ericksen, Hailey, Hurst, Kelley, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Skinner, Sump, Van De Wege, Wallace and Warnick - 35.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858.

BILL HINKLE, 13th District

HOUSE BILL NO. 1981, By Representatives Hunter, Conway, Orcutt, Anderson, Santos, Kessler, Jarrett, Condotta and McIntire

Concerning the excise taxation of electronically delivered financial information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1981 was substituted for House Bill No. 1981 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1981 was read the second time.

Representative Hunter moved the adoption of amendment (386):

On page 1, line 14, strike "and RCW 82.04.460(2)"

Representatives Hunter 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.

Representatives Hunter 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 Engrossed Substitute House Bill No. 1981.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1981 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Milosecia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Anderson, Hasegawa and Ormsby - 3.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2113, By Representatives Williams, Goodman, Green, Hunt and Simpson

Regarding objections by cities, towns, and counties to the issuance of liquor licenses.

The bill was read the second time.

Representative Williams moved the adoption of amendment (396):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.010 and 2006 c 359 s 1 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, or the renewal of a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension ~~(or)~~ revocation, or renewal or denial thereof, of any license, the liquor control board may consider any prior criminal conduct of the applicant including an administrative violation history record with the board and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. Subject to the provisions of this section, the board may, in its discretion, grant or ~~((refuse))~~ deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (8)(d) and (12) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority shall be adopted by rule. No retail license of any kind may be issued to:

(a) A person doing business as a sole proprietor who has not resided in the state for at least one month prior to receiving a license, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation or a limited liability company, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be.

(b) The board shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5)(a) At the time of the original issuance of a spirits, beer, and wine restaurant license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by rules adopted by the board. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8)(a) Unless (b) of this subsection applies, before the board issues a new or renewal license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

(b) If the application for a special occasion license is for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on property owned by the county but located within an incorporated city or town, the county legislative authority shall be the entity notified by the board under (a) of this subsection. The board shall send a duplicate notice to the incorporated city or town within which the fair is located.

(c) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the new or renewal license is asked. The board may extend the time period for submitting written objections.

(d) The written objections shall include a statement of all facts upon which such objections are based, and in case written objections are filed, the city or town or county legislative authority may request and the liquor control board may in its discretion hold a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request and the board may in its discretion hold a hearing subject to the applicable provisions of Title 34 RCW. If such a hearing is held at the request of the applicant, liquor control board representatives shall present and defend the board's initial decision to deny a license or renewal.

(e) Upon the granting of a license under this title the board shall send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. When the license is for a special occasion license for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on county-owned property but located within an incorporated city or town, the written notification shall be sent to both the incorporated city or town and the county legislative authority.

(9)(a) Before the board issues any license to any applicant, it shall give (i) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (ii) written notice, with receipt verification, of the application to public institutions identified by the board as appropriate to receive such notice, churches, and schools within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license for either on-premises or off-premises consumption or wine retailer license for either on-premises or off-premises consumption or spirits, beer, and wine restaurant license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the main entrance of the school to the nearest public entrance of the premises proposed for license, and if, after receipt by the school of the notice as provided

in this subsection, the board receives written objection, within twenty days after receiving such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. The board may extend the time period for submitting objections. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. For the purpose of this section, public institution shall mean institutions of higher education, parks, community centers, libraries, and transit centers.

(b) No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies.

(c) It is the intent under this subsection (9) that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in subsection (9) of this section shall not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation.

(11)(a) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or distributor license to an applicant to operate the retail or distributor premises during the period the application for the license is pending. The board may establish a fee for a temporary license by rule.

(b) A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for additional periods of sixty days upon payment of an additional fee and upon compliance with all conditions required in this section.

(c) Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 applies to temporary licenses.

(d) Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full.

(12) In determining whether to grant or deny a license or renewal of any license, the board shall give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town,

or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements of patrons to the Washington state patrol."

Correct the title.

Representatives Williams and Condotta 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 Williams 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 Engrossed House Bill No. 2113.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2113 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 2113, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2118, By Representatives Conway, Wood and Ormsby

Transferring responsibilities related to mobile and manufactured home installation from the department of community, trade, and economic development to the department of labor and industries.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2118 was substituted for House Bill No. 2118 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2118 was read the second time.

Representative Bailey moved the adoption of amendment (276):

On page 8, beginning on line 30, strike all of section 13

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

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

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representative Hunt 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. 2118.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2118 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi,

Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representatives Dunn, Hinkle and Orcutt - 3.

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2118, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2130, By Representatives Goodman, Lantz, Moeller and Rodne

Providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2130 was substituted for House Bill No. 2130 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2130 was read the second time.

Representative Bailey moved the adoption of amendment (356):

Beginning on page 9, line 36, strike all of section 2

Correct the title.

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

Representative Goodman spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Goodman 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. 2130.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2130 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

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

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2130, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2164, By Representatives Dunshee, Morrell, Moeller and Ormsby

Requiring approval from state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2164 was substituted for House Bill No. 2164 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2164 was read the second time.

Representative Santos moved the adoption of amendment (085):

On page 1, at the beginning of line 12, after "by" strike "a state institution of higher education" and insert "the University of Washington"

On page 1, line 13, after "facilities" strike all material through "state" on line 14 and insert "for branch campuses authorized under RCW 28B.45.020"

On page 2, line 28, strike all of subsection (10)

Renumber remaining subsections consecutively and correct internal references accordingly.

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

The amendment was adopted.

Representative Bailey moved the adoption of amendment (278):

On page 3, beginning on line 27, strike all of section 3

Correct the title.

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

Representative Darneille 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 Darneille and Hunter 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 Substitute House Bill No. 2164.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2164 and the bill passed the House by the following vote: Yeas - 74, Nays - 22, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Skinner and Sump - 22.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4011, By Representatives Kessler, Warnick, Haler, Kretz, Hinkle, Orcutt, Newhouse, Lantz, McCune, Kristiansen, Haigh, B. Sullivan and Dunn

Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands.

The joint memorial was read the second time.

There being no objection, Substitute House Joint Memorial No. 4011 was substituted for House Joint Memorial No. 4011 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011 was read the second time.

Representative Kessler moved the adoption of amendment (136):

On page 2, line 14, after "full" insert "National Environmental Policy Act"

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

The amendment was adopted. The joint memorial was ordered engrossed.

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

Representatives Kessler, Warnick and Haigh spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Joint Memorial No. 4011.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Memorial No. 4011 and the joint memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

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

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2023, By Representatives Schual-Berke, Hinkle, Cody, Campbell, Darneille, Walsh, Morrell, Seaquist, Hunter, Hunt, Dunshee, Ericks, Haigh, Simpson, Ormsby and Sells

Establishing newborn screening fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2023 was substituted for House Bill No. 2023 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2023 was read the second time.

With the consent of the House, amendment (289) was withdrawn.

Representative Bailey moved the adoption of amendment (169):

On page 2, beginning on line 17, strike all of section 3

Correct the title.

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

The amendment was adopted.

Representative Schual-Berke moved the adoption of amendment (377):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect the following fees from the parents or other responsible party of each infant screened for heritable or metabolic disorders as defined by the state board of health under RCW 70.83.020:

(1) A fee for laboratory testing associated with newborn testing for the defined disorders; and

(2) A fee of three dollars and fifty cents to fund specialty clinics that provide treatment services for children with the defined disorders.

The fee may be collected through the facility where the screening specimen is obtained."

Correct the title.

Representative Schual-Berke 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 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 Engrossed Substitute House Bill No. 2023.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2023 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

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

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1910, By Representatives Ormsby, Fromhold, Miloscia, Dunshee, Kenney, Appleton, Darneille, Hasegawa and Morrell

Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1910 was substituted for House Bill No. 1910 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1910 was read the second time.

Representative Jarrett moved the adoption of amendment (341):

On page 2, line 36, after "~~((thirty))~~" strike "fifteen" and insert "five"

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

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (228) was withdrawn.

Representative Ormsby moved the adoption of amendment (358):

On page 3, line 9, after "households" strike all material through "located" on line 13

On page 3, line 17, strike "less than" and insert "at or below"

On page 3, line 18, after "income" strike ", except as provided in RCW 84.14.040,"

On page 3, line 20, after "located" insert ", as reported by the United States department of housing and urban development. For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located"

On page 3, line 22, after "whose" insert "adjusted"

On page 3, line 24, after "income" strike ", except as provided in RCW 84.14.040"

On page 3, line 25, after "located" insert ", as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located"

On page 3, line 26, after "where the" strike "fourth" and insert "third"

On page 7, line 31, after "procedures" insert "~~((These guidelines may))~~"

On page 7, beginning on line 34, after "housing" strike all material through "also" on page 8, line 9, and insert "either within the project itself or within the jurisdiction that is affordable to both low and moderate-income households, except in the case of projects intended exclusively for owner occupancy, in which case the affordable housing requirement need only require that the project provide for mixed-income housing affordable to moderate-income households. In the development of affordable housing requirements, a city governing authority shall consider a variety of methods to

achieve the affordable housing requirements of this section including, but not limited to, the possible method of mandating that a specific percentage of units be made available for specific income level populations, either within the property itself or located elsewhere within the jurisdiction. A city governing authority shall also consider potential components of its affordable housing requirements including, but not limited to:

(i) Establishing standards related to the comparative quality, size, location, and other characteristics of any affordable housing units relative to units not designated as affordable; and

(ii) Whether an equivalent financial contribution directed towards the production of affordable housing units within the jurisdiction can be made by a property owner in lieu of the physical creation of affordable housing units and, if so, how the amount of that equivalent financial contribution shall be calculated.

(6) The governing authority may adopt and implement additional standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060, which may"

On page 8, line 10, strike "~~((a))~~ (A)" and insert "(a) Additional or more stringent affordable housing requirements than are required under state law."

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

On page 15, line 25, after "Sec. 13." strike all material through "act." on line 28, and insert "This act is applicable only to applications for tax exemption certificates submitted under this chapter after the effective date of this act, except for those applications approved on or before November 30, 2007."

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

Representative Dunn spoke against 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 Ormsby spoke in favor of passage of the bill.

Representatives Dunn, Orcutt and Roach 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 Second Substitute House Bill No. 1910.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1910 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 35.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

HOUSE BILL NO. 1414, By Representatives Cody, Green, Morrell, Moeller, Schual-Berke and Campbell

Licensing ambulatory surgical facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1414 was substituted for House Bill No. 1414 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1414 was read the second time.

Representative Cody moved the adoption of amendment (258):

On page 2, line 8, after "18.57 RCW," insert "or"

On page 2, line 9, after "18.22 RCW" strike ", or a dentist licensed under chapter 18.32 RCW"

On page 3, line 8, after "**Sec. 3.**" strike "After" and insert "Except as provided in section 4 of this act, after"

On page 3, line 19, after "(2)" insert "Applies to an office maintained for the practice of dentistry;
(3)"

On page 3, at the beginning of line 23, strike "(3)" and insert "(4)"

On page 4, line 12, after "improvement" strike "plan" and insert "program"

On page 5, line 13, after "43.70.250." insert "The secretary shall consult with representatives of ambulatory surgical facilities when establishing fees."

On page 10, line 11, after "every" strike "three years prior to renewal of a license" and insert "eighteen months"

On page 10, line 27, after "department." insert "A survey performed pursuant to medicare certification or by an approved accrediting organization may substitute for a survey by the department if:

(a) The ambulatory surgical facility has satisfactorily completed a survey by the department in the previous eighteen months; and
(b)"

On page 10, beginning on line 28, after "survey," strike all material through "provide" on line 30 and insert "the ambulatory surgical facility provides"

On page 11, line 3, after "submitted" insert "every"

On page 11, line 4, after "months" strike "after the issuance of each initial license or renewal license"

On page 15, line 12, after "of the" strike "hospital" and insert "ambulatory surgical facility"

On page 15, line 26, after "department's" strike "hospital" and insert "ambulatory surgical facility"

On page 28, after line 25, insert the following:

Sec. 26. RCW 18.71.017 and 2000 c 171 s 23 are each amended to read as follows:

(1) The commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

(2) The commission may adopt rules governing office based surgery performed by persons licensed under this chapter, including the administration of sedation and anesthesia, training, and equipment.

Sec. 27. RCW 18.57.005 and 1986 c 259 s 94 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

(3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

(4) To adopt rules governing office based surgery performed by persons licensed under this chapter, including the administration of sedation and anesthesia, training, and equipment;

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

Sec. 28. RCW 18.22.015 and 1990 c 147 s 5 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatric physician and surgeon licenses;

(3) Examine and investigate all applicants for podiatric physician and surgeon licenses and certify to the secretary all applicants it judges to be properly qualified;

(4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;

(5) Adopt rules governing office based surgery performed by persons licensed under this chapter, including the administration of sedation and anesthesia, training, and equipment;

(6) Determine which schools of podiatric medicine and surgery will be approved."

Renumber the sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Cody and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Orcutt moved the adoption of amendment (399):

On page 3, line 22, after "anesthesia;" strike "or"

On page 3, line 23, after "(3)" insert "Requires an ambulatory surgical facility that has been certified as an ambulatory surgical facility by the medicare program to obtain a license or meet any of the requirements of this chapter; or"

(4)"

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

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

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1414.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1414 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, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darnelle, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representative Orcutt - 1.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1897, By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Williams and Hunt)

Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety.

There being no objection, the rules were suspended and Substitute House Bill No. 1897 was returned to Second Reading for purpose of amendments.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1897, By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Williams and Hunt)

Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety.

Representative Chandler moved adoption of amendment (348):

On page 1, line 10, after "theories," insert "witnesses, expert witnesses, legal research, work product,"

Representative Chandler spoke in favor of adoption of the amendment.

Representative Williams spoke against adoption of the amendment.

The amendment was not adopted.

Representative Williams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1897 .

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1897 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

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

Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Appleton and Pedersen - 2.

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 1897, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1001, By Representatives Lovick, Priest, McCoy, Pearson, Kirby, Ross, Hunt, Skinner, Simpson, Newhouse, O'Brien, Armstrong, Ericks, Moeller, Miloscia, Grant, Sells, Green, Eickmeyer, Takko, Kelley, B. Sullivan, Hudgins, Cody, Haigh, Morrell, Chase, Ormsby, Kessler, Blake, Conway, Chandler, P. Sullivan, McDonald, Rodne, Haler, Jarrett, Roach, Walsh, Kristiansen, Wallace, McDermott, Condotta, VanDeWege, Dunshee, McCune, Kenney, Schual-Berke, Hinkle, Bailey, Lantz, Warnick, Upthegrove, Alexander, Campbell and Rolfes

Combating auto theft.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1001 was substituted for House Bill No. 1001 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1001 was read the second time.

Representative Priest moved the adoption of amendment (165):

On page 39, beginning on line 15, strike all of section 15 and insert the following:

NEW SECTION. Sec. 15. A new section is added to chapter 13.40 RCW to read as follows:

(1) If a respondent is adjudicated of an offense involving theft of a motor vehicle as defined under section 2 of this act, possession of a stolen vehicle as defined under section 5 of this act, or taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than five days of home detention, forty-five hours of community restitution, and a two hundred dollar fine;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to standard

range sentence that includes no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks of confinement, seven days of home detention, four months of supervision, ninety hours of community restitution, and a four hundred dollar fine.

(2) If a respondent is adjudicated of an offense involving taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than one day of home detention, one month of supervision, fifteen hours of community restitution, and a fifty dollar fine;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, two days of home detention, two months of supervision, thirty hours of community restitution, and a one hundred fifty dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, seven days of home detention, three months of supervision, forty-five hours of community restitution, and a one hundred fifty dollar fine."

Representative Dickerson moved the adoption of amendment (351) to amendment (165):

On page 1, beginning on line 3 of the amendment, strike all material through page 2, line 11, and insert the following:

"NEW SECTION. Sec. 15. (1) The department of social and health services juvenile rehabilitation administration will convene a work group to review current practices in juvenile sentencing for vehicle theft-related offenses and make recommendations to the legislature for improvements in sentencing to reduce recidivism and the occurrence of new vehicle thefts.

(2) The work group shall include the following:

(a) A representative from the juvenile court administrators;

(b) A representative from the Washington association of prosecuting attorneys;

(c) A representative of the Washington association of sheriffs and police chiefs;

(d) An individual or representative of an organization representing juveniles in offender proceedings;

(e) A representative from the administrative office of the courts;

(f) A representative of the juvenile rehabilitation administration;

(g) An individual employed at a county detention facility or a representative of a county detention facility;

(h) A juvenile probation officer; and

(i) A juvenile parole officer.

(3) The work group may seek the assistance of experts as needed, including in the areas of substance abuse treatment, mental health treatment, offender treatment alternatives, and research in juvenile sentencing issues.

(4) The work group duties shall include:

(a) A review of the current laws for sentencing of offenses related to vehicle thefts;

(b) A review of the Washington data on vehicle thefts, arrests, and convictions for offenses related to vehicle thefts;

(c) A review of research, data, and best practices for sentencing in juvenile court;

(d) Development of recommendations to the legislature to improve the prosecution, adjudication, and dispositions for juveniles adjudicated of theft-related vehicle offenses that will reduce future offenses and recidivism.

(5) The work group shall report to the appropriate committees of the legislature by December 1, 2007."

Representatives Dickerson and Darneille spoke in favor of the adoption of the amendment to amendment (165).

Representatives Pearson and O'Brien spoke against the adoption of the amendment to amendment (165).

The amendment to amendment (165) was not adopted.

The question before the House was the adoption of amendment (165).

Representatives Priest, Flannigan and O'Brien spoke in favor of the adoption of the amendment.

Representatives Dickerson and Kagi spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (389), (388), (337), (339), (390), (391) and (392) were withdrawn.

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

Representative Roberts spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1001.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1001 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

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

Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, and Mr. Speaker - 80.

Voting nay: Representatives Appleton, Chase, Darneille, Dickerson, Flannigan, Hasegawa, Kagi, Kenney, McCoy, McIntire, Pedersen, Pettigrew, Roberts, Schual-Berke, Sullivan, B. and Wood - 16.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 1426, By Representatives Clibborn and Hankins; by request of Department of Licensing

Modifying the administration of fuel taxes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1426 was substituted for House Bill No. 1426 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1426 was read the second time.

Representative Ericksen moved the adoption of amendment (222):

Beginning on page 18, after line 30, strike all of section 18

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

Beginning on page 32, after line 11, strike all of section 30

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

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

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (222) to Engrossed Substitute House Bill No. 1426.

ROLL CALL

The Clerk called the roll on the adoption of amendment (222) to Engrossed Substitute House Bill No. 1426, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 58, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericks, Ericksen, Hailey, Haler, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Moeller, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Upthegrove, Walsh and Warnick - 38.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 58.

Excused: Representatives Eickmeyer and Morris - 2.

Representative Ericksen moved the adoption of amendment (192):

On page 19, beginning on line 3, after "may" strike "enter into" and insert "negotiate"

On page 20, after line 8, insert the following:
"(7) New agreements may not go into effect without legislative approval."

On page 32, line 21, after "may" strike "enter into" and insert "negotiate"

On page 33, after line 25, insert the following:
"(7) New agreements may not go into effect without legislative approval."

Representatives Ericksen, Sump, Buri and Anderson spoke in favor of the adoption of the amendment ..

Representative Clibborn spoke against the adoption of the amendment .

The amendment was not adopted.

Representative Jarrett moved the adoption of amendment (161):

On page 20, line 5, after "(5)" insert "If after the effective date of this act a new state/tribal fuel tax agreement is entered into by the parties to the agreement that results in an increase in the amount of fuel tax or an amount equivalent to the amount of the fuel tax, the tribe will be ineligible for state transportation funds on tribal reservation or trust property.

_____(6)"

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

On page 33, line 21, after "(5)" insert "If after the effective date of this act a new state/tribal fuel tax agreement is entered into by the parties to the agreement that results in an increase in the amount of fuel tax or an amount equivalent to the amount of the fuel tax, the tribe will be ineligible for state transportation funds on tribal reservation or trust property.

_____(6)"

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

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

Representatives Clibborn, Flannigan and Clibborn (again) spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Buri moved the adoption of amendment (345):

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

"(7) The governor may not directly or indirectly accept a contribution from a party to an agreement or consent decree that has been negotiated within the prior four years or is currently under negotiation, if the party is authorized to negotiate with the governor pursuant to this act."

On page 33, after line 25, insert the following:

"(7) The governor may not directly or indirectly accept a contribution from a party to an agreement or consent decree that has been negotiated within the prior four years or is currently under negotiation, if the party is authorized to negotiate with the governor pursuant to this act."

Representatives Buri, Orcutt, Anderson and Ericksen spoke in favor of the adoption of the amendment.

Representatives Kessler, Pettigrew and Simpson spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (345) to Engrossed Substitute House Bill No. 1426.

ROLL CALL

The Clerk called the roll on the adoption of amendment (345) to Engrossed Substitute House Bill No. 1426, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 59, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hinkle, Hurst, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sullivan, P., Sump, Walsh and Warnick - 37.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 59.

Excused: Representatives Eickmeyer and Morris - 2.

Representative Bailey moved the adoption of amendment (175):

On page 36, beginning on line 19, strike all of section 35

Correct the title.

Representatives Bailey and Clibborn 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 Clibborn, Jarrett, Hankins and Armstrong spoke in favor of passage of the bill.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1426.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1426 and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Alexander, Anderson, Buri, Condotta, Ericksen, Kretz, Kristiansen, McDonald, Orcutt, Pearson, Roach, Rodne, Schindler and Sump - 15.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2008, By Representatives VanDeWege, Kessler, Haigh, Takko and Ericks

Creating a cooperative agreement relating to the timber harvest excise taxation of timber harvests within the Quinault Indian Reservation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2008 was substituted for House Bill No. 2008 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2008 was read the second time.

Representative Buri moved the adoption of amendment (131):

On page 3, after line 12, insert the following:

"(13) The governor shall not directly or indirectly accept a contribution from a party to a compact, contract or agreement that has been negotiated within the prior four years or is currently under negotiation, if the party is authorized to negotiate with the governor pursuant to chapter ..., Laws of 2007 (House Bill 2008 or Senate Bill 5903)."

Renumber remaining subsection consecutively and correct internal references accordingly.

Representatives Buri, Sump and Ericksen spoke in favor of the adoption of the amendment.

Representative Kessler spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (131) to Substitute House Bill No. 2008.

ROLL CALL

The Clerk called the roll on the adoption of amendment (131) to Substitute House Bill No. 2008, and the amendment was not adopted by the following vote: Yeas - 36, Nays - 60, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 36.

Voting nay: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 60.

Excused: Representatives Eickmeyer and Morris - 2.

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

Representative VanDeWege spoke in favor of passage of the bill.

Representatives Orcutt and Kretz 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. 2008.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2008 and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Skinner, Strow, Sump, Walsh and Warnick - 33.

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2008, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2212, By Representatives Blake, B. Sullivan and Newhouse

Addressing the application of the growth management act to certain agricultural activities occurring on agricultural lands.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2212 was substituted for House Bill No. 2212 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2212 was read the second time.

Representative Simpson moved the adoption of amendment (401):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the goal of preserving Washington's agricultural lands is shared by

citizens throughout the state. The legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.

(2) The legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances and implementing regulations, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.

(3) The legislature fully expects the duties and requirements it is prescribing for the Ruckelshaus Center to be successful. If, however, the efforts of the center do not result in a consensus of how to best address the conflicts between agricultural activities and certain regulatory requirements as they apply to agricultural activities, the legislature intends, upon the expiration of the delay, to require jurisdictions that have delayed amending or adopting certain regulatory measures to promptly complete all regulatory amendments or adoptions necessary to comply with the growth management act.

(4) The legislature does not intend this act to reduce or otherwise diminish existing critical area ordinances and implementing regulations that protect critical areas that apply to agricultural activities during the deferral period established in section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1) Until July 1, 2009, counties and cities must defer amending or adopting critical area ordinances and implementing regulations under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

(a) Nullifies critical area ordinances and implementing regulations adopted by a county or city prior to January 1, 2007, to comply with RCW 36.70A.060(2);

(b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or

(c) Limits the ability of a county or city to employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities that defer amending or adopting critical area ordinances and implementing regulations under subsection (1) of this section must review and revise these ordinances and regulations as they specifically apply to agriculture activities to comply with the requirements of this chapter by July 1, 2010.

(3) For purposes of this section and sections 3, 4, and 6 of this act, "agricultural activities" means agricultural uses and practices currently existing or legally allowed, including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program,

or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) Nothing in this act limits or otherwise modifies the authority of a county or city to:

(a) Comply with an order from a growth management hearings board or a court;

(b) Implement a settlement in compliance with the requirements of this chapter; or

(c) Attempt to settle issues raised in litigation challenging critical area ordinances and implementing regulations under RCW 36.70A.060(2) as they specifically apply to agricultural activities.

NEW SECTION. Sec. 4. (1) Subject to the availability of amounts appropriated for this specific purpose, the William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances and implementing regulations adopted under chapter 36.70A RCW to protect critical areas. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must: (a) Work and consult with willing participants, including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas, including, but not limited to: (i) Critical area ordinances and implementing regulations adopted under chapter 36.70A RCW to protect critical areas; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vi) compliance with water quality requirements. The center must issue a report of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007; and

(b) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues identified by stakeholders in the first phase of the center's examination efforts. In particular, the center must examine innovative solutions, including, but not limited to, outcome based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. The center must work to achieve consensus among participating stakeholders on identified issues and to develop a coalition of diverse stakeholders that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2009 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, 2008.

NEW SECTION. Sec. 5. If specific funding for the purposes of section 4 of this act, referencing this act and section 4 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 6. This act applies retroactively to any critical area ordinances and implementing regulations under RCW 36.70A.060(2) as they specifically apply to agricultural activities amended or adopted by a county or city on or after January 1, 2007.

NEW SECTION. Sec. 7. 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. 8. This act expires July 1, 2010."

Correct the title.

Representatives Simpson and Curtis 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 Blake, Curtis, Simpson and Kretz spoke in favor of passage of the bill.

Representative Schindler 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. 2212.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2212 and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald,

McIntire, Miloscia, Moeller, Morrell, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Alexander, Anderson, Bailey, Buri, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Hailey, Kristiansen, Newhouse, Pearson, Schindler, Strow and Warnick - 17.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2212, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1214, By Representatives McDonald and Morrell

Regarding the use of electronic wireless communications devices for text messaging while operating a moving motor vehicle.

The bill was read the second time.

Representative McDonald moved the adoption of amendment (307):

On page 1, line 9, after "sending a" insert "text"

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

The amendment was adopted.

Representative Clibborn moved the adoption of amendment (067):

On page 1, line 13, after "vehicle;" strike "or"

On page 1, after line 13, insert the following:

"(b) A moving motor vehicle who is also operating an amateur radio and who holds a current, valid amateur radio station license issued by the federal communications commission; or"

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

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

The amendment was adopted.

Representative Curtis moved the adoption of amendment (070):

On page 2, after line 1, insert the following:

"(3) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense."

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

Representatives Clibborn and McDonald 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 McDonald and Morrell 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. 1214.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1214 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hailey, Haler, Hankins, Hunt, Jarrett, Kagi, Kelley, Kenney, Kessler, Kretz, Kristiansen, Lantz, Lovick, McCoy, McCune, McDonald, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Seaquist, Sells, Skinner, Sommers, Springer, Strow, Sump, Takko, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Appleton, Blake, Chandler, Condotta, Curtis, Goodman, Hasegawa, Hinkle, Hudgins, Hunter, Hurst, Kirby, Linville, McDermott, McIntire, Pedersen, Roach, Schual-Berke, Simpson, Sullivan, B., Sullivan, P., Upthegrove and Van De Wege - 23.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 1214, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1733, By Representatives Conway, Kirby, Darneille and Chase

Modifying provisions relating to state community justice facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1733 was read the second time.

With the consent of the House, amendment (234) was withdrawn.

Representative Conway moved the adoption of amendment (400):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.05.020 and 1998 c 269 s 2 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

(2) "Department" means the department of social and health services.

(3) "Equitable distribution" or "distribute equitably" means siting or locating community facilities in a manner that reasonably reflects the proportion of juveniles sentenced to the department from each county or rural multicounty geographic area designated by the department, and, to the extent practicable, the proportion of such juveniles residing in particular jurisdictions or communities within such counties or geographic areas. Equitable distribution is a policy goal, not a basis for any legal challenge to the siting, construction, occupancy, or operation of any facility anywhere in the state.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

~~((4))~~ (5) "Service provider" means the entity that operates a community facility.

NEW SECTION. Sec. 2. A new section is added to chapter 72.05 RCW to read as follows:

(1) The department shall prepare a projected list of counties and rural multicounty geographic areas in which community facilities need to be sited during the fiscal year beginning July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2008, and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed. In preparing the list, the department shall make substantial efforts to provide for the equitable distribution of community facilities among

counties. The department shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing community facilities owned or operated by, or operated under contract with, the department in each county;

(b) The number and proportion of juvenile offenders committed to the department residing in the county or rural multicounty geographic area; and

(c) The number of juvenile registered sex offenders classified as level II or III and juvenile sex offenders registered as homeless per thousand persons residing in the county.

(2) The department shall submit, along with the list required under subsection (1) of this section, the operational requirements for the facilities on the list to the office of financial management and the counties on the list.

(3) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected community facility on the list within the county using its process for siting essential public facilities under RCW 36.70A.200 and section 6 of this act. The process shall allow the siting of a facility within twelve months of receiving notice that the county has been included on the list.

(4) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section not planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected community facility on the list within the county using the procedures established in section 7 of this act. The process shall allow the siting of a facility within twelve months of receiving notice that the county or city has been included on the list.

(5) The department shall, by rule, adopt facility criteria and shall consult with local governments in such rule making.

Sec. 3. RCW 72.65.010 and 1992 c 7 s 56 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

(1) "Department" ~~((shall))~~ means the department of corrections.

(2) "Equitable distribution" or "distribute equitably" means siting or locating work release facilities in a manner that reasonably reflects the proportion of offenders sentenced to the custody or supervision of the department by the courts of each county or rural multicounty geographic area designated by the department, and, to the extent practicable, the proportion of such offenders residing in particular jurisdictions or communities within such counties or rural multicounty geographic areas. Equitable distribution is a policy goal, not a basis for any legal challenge to the siting, construction, occupancy, or operation of any facility anywhere in the state.

(3) "Prisoner" means a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(4) "Secretary" ~~((shall))~~ means the secretary of corrections.

~~((3))~~ (5) "State correctional institutions" shall mean and include all state adult correctional facilities established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

~~((4))~~ "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term

of confinement and treatment in a state correctional institution under the jurisdiction of the department.

~~(5))~~ (6) "Superintendent" (~~shall~~) means the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

NEW SECTION. Sec. 4. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall prepare a projected list of counties and rural multicounty geographic areas in which work release facilities need to be sited during the fiscal year beginning July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2008, and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed. In preparing the list, the department shall make substantial efforts to provide for the equitable distribution of work release facilities among counties. The department shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each county;

(b) The number and proportion of adult offenders sentenced to the custody or supervision of the department by the courts of the county or rural multicounty geographic area; and

(c) The number of adult registered sex offenders classified as level II or III and adult sex offenders registered as homeless per thousand persons residing in the county.

(2) The department shall submit, along with the list required under subsection (1) of this section, the operational requirements for the facilities on the list to the office of financial management and the counties on the list.

(3) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected work release facility on the list within the county using its process for siting essential public facilities under RCW 36.70A.200 and section 6 of this act.

(4) A county, and any county designated by the department within a rural multicounty geographic area, that is included on the list required under subsection (1) of this section not planning under RCW 36.70A.040 shall, in cooperation with its cities, allow the siting of each projected work release facility on the list within the county using the procedures established in section 7 of this act.

(5) The department shall, by rule, adopt facility criteria and shall consult with local governments in such rule making.

Sec. 5. RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or

amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) Within twelve months of receiving notice that the county has been included on the list of projected potential sites for a work release facility or community facility for juvenile offenders, each county, in cooperation with the cities located in whole or in part within the county, and each city planning under RCW 36.70A.040 shall, when it next amends its comprehensive plan, but in no case later than the deadline specified in RCW 36.70A.130, establish a process, or amend its existing process, for identifying and siting essential public facilities, and adopt or amend its development regulations as necessary to provide for the siting of community facilities as defined in RCW 72.05.020 and work release and other facilities operated by or under contract with the department of corrections. When siting a community facility under chapter 72.05 RCW or a work release facility under chapter 72.65 RCW, a county or city shall follow, in addition to requirements of the process for siting essential public facilities established under this section, the requirements established in section 6 of this act.

(5) The office of financial management shall maintain and by the first of each year, provide to counties and cities needing to site them, a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

~~((5))~~ (6) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

~~((6))~~ (7) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

~~((7))~~ (8) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

~~((8))~~ (9) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

(1) When providing for the siting of an essential public facility that is a community facility under chapter 72.05 RCW, a county or city planning under this chapter shall:

(a) Involve the department of social and health services in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of community facilities by giving great weight to the factors in section 2(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of social and health services under section 2(2) of this act.

(2) When providing for the siting of an essential public facility that is a work release facility under chapter 72.65 RCW, a county or city planning under this chapter shall:

(a) Involve the department of corrections in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of work release facilities by giving great weight to the factors in section 4(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of corrections under section 4(2) of this act.

(3)(a) As part of the permitting process for a community facility under chapter 72.05 RCW, a county or city may not impose upon the department of social and health services any requirements beyond the operational requirements established under section 2(2) of this act and the facility criteria established under section 2(5) of this act.

(b) As part of the permitting process for a work release facility under chapter 72.65 RCW, a county or city may not impose upon the department of corrections any requirements beyond the operational requirements established under section 4(2) of this act and the facility criteria established under section 4(5) of this act.

(4) If the department of social and health services adheres to all responsibilities in section 2 of this act and RCW 72.05.400, and the department of corrections adheres to all responsibilities in RCW 72.65.010 and section 4 of this act, any conditional use permit, special use permit, or any other development application process necessary to site a community facility or work release facility may not exceed one hundred twenty days after submittal of a full and complete application, and must include an appeal process.

NEW SECTION. Sec. 7. A new section is added to chapter 36.70 RCW to read as follows:

(1) When providing for the siting of a community facility under chapter 72.05 RCW, a county or city planning under this chapter shall:

(a) Involve the department of social and health services in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of community facilities by giving great weight to the factors in section 2(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of social and health services under section 2(2) of this act.

(2) When providing for the siting of a work release facility under chapter 72.65 RCW, a county and city planning under this chapter shall:

(a) Involve the department of corrections in the siting process;

(b) Make a substantial effort to provide for the equitable distribution of work release facilities by giving great weight to the factors in section 4(1) (a) through (c) of this act; and

(c) Ensure that any location identified is consistent with the operational requirements established by the department of corrections under section 4(2) of this act.

(3)(a) As part of the permitting process for a community facility under chapter 72.05 RCW, a county or city may not impose upon the department of social and health services any requirements beyond

the operational requirements established under section 2(2) of this act and the facility criteria established under section 2(5) of this act.

(b) As part of the permitting process for a work release facility under chapter 72.65 RCW, a county or city may not impose upon the department of corrections any requirements beyond the operational requirements established under section 4(2) of this act and the facility criteria established under section 4(5) of this act.

(4) If the department of social and health services adheres to all responsibilities in section 2 of this act and RCW 72.05.400, and the department of corrections adheres to all responsibilities in RCW 72.65.010 and section 4 of this act, any conditional use permit, special use permit, or any other development application process necessary to site a community facility or work release facility may not exceed one hundred twenty days after submittal of a full and complete application, and must include an appeal process.

NEW SECTION. Sec. 8. A new section is added to chapter 36.70A RCW to read as follows:

(1) After twelve months have passed since the city or county receives notice that the county has been included on the list of projected potential sites for a work release facility or community facility for juvenile offenders, and the county and cities within have failed to establish a process for siting a work release facility or community facility for juvenile offenders, notwithstanding RCW 36.70A.103 or any other law, this section preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the department of corrections to site, construct, renovate, occupy, and operate a work release facility or to enable the department of social and health services to operate a community facility for juvenile offenders within the county.

(2) The department of corrections or department of social and health services determinations under subsection (1) of this section are final and are not subject to appeal under chapter 34.05 RCW or this chapter.

(3) Nothing in this section prohibits the department of corrections or department of social and health services from:

(a) Siting a work release or community facility for juvenile offenders in a city or county that has complied with the requirements of RCW 36.70A.200 with respect to these facilities, including a city that is located within a county that has been preempted. If the department sites a work release facility or community facility for juvenile offenders in such a city or county, the department shall use the process established by the city or county for siting such facilities; or

(b) Consulting with a city or county that has been preempted under this section regarding the siting of a secure community transition facility.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 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."

Correct the title.

Representative 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 Conway and McDonald spoke in favor of passage of the bill.

Representatives Bailey and Alexander 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 Second Substitute House Bill No. 1733.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1733 and the bill passed the House by the following vote: Yeas - 75, Nays - 21, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Appleton, Barlow, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Alexander, Armstrong, Bailey, Blake, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Strow, Sump, and Warnick - 21.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1733, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2158, By Representatives Hasegawa, Fromhold, O'Brien, Orcutt, Condotta, Ormsby, Roach, Kristiansen, Ericks, Curtis, Kenney and Moeller

Concerning the sales of vehicles and associated services to nonresidents of Washington.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2158 was substituted for House Bill No. 2158 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2158 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. 2158.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2158 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

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

Excused: Representatives Eickmeyer and Morris - 2.

SUBSTITUTE HOUSE BILL NO. 2158, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1471, By Representatives Kristiansen, O'Brien, Pettigrew, Haler, Pearson, Kretz, Lovick, Ericks, Sells, Rodne, Campbell, Moeller, Morrell, Goodman and Ross

Prohibiting the use of voluntary intoxication as a defense against a criminal charge.

The bill was read the second time.

Representative Goodman moved the adoption of amendment (299):

On page 1, after line 19, insert the following:

"(3)(a) For the purposes of this section, "voluntary intoxication" does not include intoxication caused by a diagnosable disease if the disease: (i) results from the defendant's compulsive and chronic use of alcohol or a drug; and (ii) caused the defendant to be incapable of making a voluntary choice to ingest the alcohol or drug.

(b) The defendant must establish that his or her intoxication at the time of the crime was caused by a diagnosable disease under (a) of this subsection by objective, verifiable factors that include the following:

(i) A persistent and uncontrollable desire for the alcohol or drug;

(ii) The inability to stop or limit the use of the alcohol or drug;

(iii) The need to increase the amount of the alcohol or drug used in order to feel the effects of the alcohol or drug;

(iv) Continued and sustained use of the alcohol or drug despite adverse or negative consequences, including causing serious harm or injury to the property or person of the defendant or others while using the alcohol or drug;

(v) Serious physiological, emotional, mental, or psychological illness, disorder, or dysfunction; and

(vi) Ongoing treatment for alcohol or drug abuse by a physician or in an approved treatment program under chapter 70.96A RCW.

(c) The court shall not admit evidence under this subsection (3) unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case that the defendant intends to offer such evidence."

Representatives Goodman and Kristiansen 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 Kristiansen and Goodman spoke in favor of passage of the bill.

Representative Flannigan 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. 1471.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1471 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Darneille, Flannigan, McDermott, Ormsby and Pedersen - 5.

Excused: Representatives Eickmeyer and Morris - 2.

ENGROSSED HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1382,
HOUSE BILL NO. 1404,
HOUSE BILL NO. 1554,
HOUSE BILL NO. 1883,

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 14, 2007, the 66th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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